

ACTS

OF THE

Legislature of Alabama

OF

LOCAL, PRIVATE AND SPECIAL CHARACTER

PASSED AT THE

SESSION OF 1907

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY.

COMMENCING TUESDAY, JANUARY 8, 1907

BRAXTON BRAGG COMER, GOVERNOR

HENRY B. GRAY, LIEUT.-GOVERNOR

E. P. THOMAS, PRES. PRO TEM OF THE SENATE

*WILLIAM L. MARTIN, SPEAKER OF THE HOUSE

A. H. CARMICHAEL, SPEAKER OF THE HOUSE

*Died March 3rd, 1907.

I, Frank N. Julian, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

FRANK N. JULIAN,
Secretary of State.

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Local, Private and Special Laws.

No. 6.)

AN ACT.

(S. 53.

To create the office of Deputy Solicitor for Dallas County, define his duties and fix his compensation.

Section 1.—Be it enacted by the Legislature of Alabama that the office of Deputy Solicitor of Dallas County be, and the same is hereby created to take effect immediately upon the approval of this act.

Section 2.—Be it further enacted that said Deputy Solicitor shall be appointed by the Solicitor of the Fourth Judicial Circuit, and shall hold office for and during the term of said Circuit Solicitor, unless removed by him. He shall assist the said Solicitor in the prosecution of all causes in the city court of Selma and in the circuit court of Dallas county and in the discharge of his duties in connection with the grand jury organized by the courts, and shall perform such other duties in furtherance of the administration of the criminal laws of said county as he may be directed by said solicitor; including the representation of the State in all habeas corpus causes and such preliminary examinations as the solicitor may direct; he shall prepare all matters for trial in the city and circuit courts and shall collect and prepare evidence for the examination by the grand jury, and when directed by the solicitor, be present with the grand jury.

Section 3.—He shall be the deputy and assistant of the said solicitor in all matters in said county, and all notices which may be served on

Office
created.

How appoint-
ed; term of of-
fice and duties
of.

Notices served
on; Powers in
absence of so-
licitor.

the solicitor, may be legally served on him; and in the absence of the solicitor from said county, he shall exercise all the powers and discharge all of the duties now or hereafter conferred or required of said solicitor by law, and it shall be lawful for him to be present with the grand juries during its sessions and deliberations.

Amount of
fees for ser-
vices.

Section 4.—He may collect and retain for his services out of the solicitor's fees and commissions in misdemeanor cases convicted in the city court of Selma and in the circuit court of said county, the sum of seventeen hundred dollars per annum.

Appointment;
how made and
revoked.

Section 5.—Said solicitor shall make such appointment in writing which shall be filed and recorded in office of the probate judge of said county; and said appointment may at anytime be revoked in writing by said solicitor, said revocation to be filed and recorded in said office or said appointment shall be revoked by appointment of his successor.

Books to be
furnished.

Section 6.—He shall be furnished by the State with the same law books, if in hand, in the office of the secretary of State and hereafter published by law to state solicitors, which shall be delivered to his successor.

Coroner's in-
quest; right to
direct holding.

Section 7.—Said deputy solicitor shall have the right at any time to direct the holding of a coroner's inquest in any cause.

Approved Feb. 6, 1907.

No. 9.)

AN ACT.

H. 84.

To convert the surplus money of the fine and forfeiture fund of Choctaw county, Alabama, into a special court house fund and to provide for the disbursement of the same.

Section 1.—Be it enacted by the Legislature of the State of Alabama, that it shall be the duty of the county treasurer of Choctaw county, when any surplus of money shall remain in the fine and forfeiture fund of Choctaw county, after paying all charges registered against such fund, on the first day of February and the first day of November of each year, from and after the passage of this act, to convert said surplus to the credit of a fund to be known as the court house fund of Choctaw county.

Duty of
County Treas-
urer to con-
vert surplus
into Court
House fund.

Section 2.—That said fund, when so converted, shall be for the use of Choctaw county in payment of any outstanding indebtedness of said county, now due or to be due, for the building of the court house now in course of construction, or to pay for the furnishing of said court house; Provided, that said fund shall be disbursed under order of the court of county commissioners.

What funds
used for and
how disbursed.

Section 3.—That this law shall remain in operation until said indebtedness shall have been paid in full, and when the court of county commissioners of said county shall by an order on the minutes of said court, declare said indebtedness paid, this law shall cease to be in force, and the fine and forfeiture fund of said county shall then be governed by the general laws of the State then in force.

When law
ceases to be
operative.

Section 4.—That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Repeal.

Approved Jan. 31, 1907.

To alter and fix the boundaries of Selma, a municipal corporation in Dallas county, Alabama.

Boundaries of
Selma fixed
and estab-
lished.

Section 1.—Be it enacted by the Legislature of Alabama, that the boundaries of Selma, a municipal corporation in Dallas county, Alabama, be and the same are hereby altered and fixed so as to include within the corporate limits thereof all that territory lying within the county of Dallas, in said State, described and bounded as follows, to-wit: Beginning at a point where the east bank of the Valley creek intersects the north bank of the Alabama river at low water mark; thence northerly along the east bank of Valley creek with the meanderings thereof to a point on said creek where the same intersects the northern line of the right of way of the Southern Railroad Company's railroad track; thence easterly along the north line of said right of way of said Southern Railroad Company to a point where said northern line of said right of way intersects the margin of Maple street; thence northerly along the east margin of said Maple street and along the public road leading from Summerfield to Selma, commonly called the "Summerfield road," to a point on the east margin of said road which would be on the south margin of Third avenue if extended to said point; thence east to the west margin of Broad street, thence south along the west margin of Broad street to a point which would be coincident with the south margin of Second avenue if extended; thence east to the east margin of Franklin street; thence north along the east margin of Franklin street to the point opposite the point of intersection of the west margin of Franklin street with the south margin of Fifth avenue; thence east to a point which is coincident with the west margin of Green street extended; thence south to the south margin of

First avenue; thence east along said south margin to the west margin of Range avenue or Range Line Road; thence north along said west margin of said street or road to a point opposite the intersection made by the east margin of said Range avenue with the south margin of that part of Second avenue lying east of Range avenue, thence east along said south margin of Second avenue and Jackson avenue to the west margin of Mechanic street; thence south along the west margin of Mechanic street to the south margin of Summer avenue; thence east to the west margin of Long street, the line between sections twenty-nine and thirty, township seventeen, range eleven, being in said street; thence south to the northerly bank of Beach creek; thence along the northerly bank of said creek with the meanderings thereof to the northerly bank of the Alabama river; thence south to the south bank of the Alabama river, thence westerly along the south bank of the Alabama river to a point due south of the intersection of the east margin of Valley creek at low water mark; thence due north to the point of beginning.

Section 2.—Be it further enacted, that the ^{Boundaries} boundaries set out in section 1, of this act, be, ^{made corpor-} and the same are hereby established as the ^{ate limits.} corporate limits of Selma, a municipal corporation in Dallas county, Alabama.

Section 3.—Be it further enacted that all laws ^{Repeal.} or parts of laws in conflict with this act be and the same are hereby repealed.

Approved Feb. 6, 1907.

No. 16.)

AN ACT.

(S. 129.

To amend an act entitled “An act to regulate and provide for the trial of misdemeanors in Washington county, Alabama, approved February 21, 1899.” Be it enacted by the Legislature of Alabama, that an act entitled

"An act to regulate and provide for the trial of misdemeanors in Washington county, Alabama, approved February 21, 1899, be amended so as to read as follows:

In preliminary proceedings in misdemeanor cases, defendant may be discharged on bond.

Failure to give bond.

Section 1.—Be it enacted by the Legislature of Alabama, that in all preliminary proceedings before justices of the peace or notaries public with the power of justices of peace in the county of Washington, in cases of misdemeanors, if it appears that the offense has been committed and there is probable cause to believe that the defendant is guilty thereof, the defendant must be discharged on giving sufficient bail to appear at the next regular term of the county court; but if the defendant fails to give such bond, such person must be committed to the county jail by an order in writing and all papers and process in such case must be returned by the magistrate to the county court by the first day of the next term of said court if practicable, and the judge of the county court must proceed to try the cause on the original papers.

Appeals to county court.

Section 2.—Be it further enacted, that all appeals by defendants from trials in criminal causes for misdemeanors from the justices of the peace or notaries public with powers of justices of the peace shall be taken to the next jury term of the county court, and cases thus appealed must be tried *denovo*, as now required by law for the trial of such appeals in the circuit court.

Indictments returned to county court.

Section 3.—Be it further enacted, that all indictments hereafter preferred by the grand jury of the circuit court in the county of Washington, against all persons in cases of misdemeanors, shall be referred to the county court of said county, by an order of the presiding judge of the circuit court for Washington county, which order shall be made as soon as the grand jury shall return said indictment into court; after said references, the county court shall have jurisdiction of such misdemeanors, and said causes shall be docketed and tried at the next regular term of

said county court after the arrest of the parties so charged, unless they shall demand a trial by jury as hereinafter provided. The order of the circuit judge herein referred to shall be practically as follows, to-wit: Referred to the county court of Washington county, Alabama, for trial. ^{Order of judge.}

(Signed) _____, circuit judge."

Provided, however, that all indictments for misdemeanors already returned into the circuit court, shall be referred to the county court at the next regular term of the circuit court of said county that shall convene after the passage of this act, and all parties then under arrest shall be tried at the next regular term of the said county court, and all parties charged with misdemeanors who are arrested on such indictments after such reference, shall be tried at the next regular term of said county court after such arrest, unless they shall demand a trial by jury as hereinafter provided.

Section 4.—Be it further enacted, that the clerk of the circuit court shall be ex-officio clerk of the county court, and he shall have authority to take affidavits, to issue warrants of arrest returnable to said court, and the practice and proceedings therein shall conform to the practice and proceedings in the circuit courts of the state, except as herein modified.

Section 5.—Be it further enacted, that there shall be two jury terms each year held by said court, the first Mondays in January and July respectively, which said terms shall be and be known as the jury terms of said court, and when any person charged with any offense triable by said court demands a jury trial, he shall be tried at the next jury term of said court; but when ever there is not a jury trial demanded, the case shall be tried at the first term after the party is arrested, the judge entering upon the docket the fact that a jury trial is waived.

Section 6.—Be it further enacted, that the jury commissioners of said county, at the regular term held in each year, shall draw from the

jury box provided by law for the circuit court of said county, the names of fifteen jurors for the January term next of said county court and the names of fifteen jurors for the July term of said county court, to serve as jurors in said county court for the next succeeding year and deliver the names of the said jurors with the term for which they are drawn, to the clerk of the county court of said county, who shall issue notice to each of said jurors and place the same in the hands of the sheriff of the said county at least fifteen days before each term of said county court for which they shall have been drawn respectively, and it shall be the duty of said sheriff to promptly execute said notices; Provided, that if there are no cases to be tried by a jury, the clerk of said court shall not issue the notice as provided for in this section.

In case of failure to summon jury; or legal jury; second jury provided for.

Section 7.—Be it further enacted, that if at any jury term of said court, for any reason or cause whatever, the jury hereinbefore provided for shall not have been summoned for said term, or in case there shall be no legal jury for said term, and also when in the opinion of the judge of the said court a second jury is needed to dispatch the business of said court it shall be the duty of said judge to order the sheriff of said county to summon instanter twelve qualified jurors of said county, and the persons so summoned shall constitute a legal jury for said term.

Jurors to be summoned to complete jury.

Section 8.—Be it further enacted, that should the number of jurors be reduced to less than twelve by challenge or other cause, it shall be the duty of the judge of said court to order the sheriff to summon instanter a sufficient number of qualified jurors to complete said jury.

Fees of sheriffs and clerk.

Section 9.—Be it further enacted, that all fees paid to the sheriff or clerk for services rendered in said court shall be the same as those now allowed by law for similar services in the circuit court, and that the clerk shall receive for performing official duties not otherwise provided for as clerk of said court to be paid from the county

treasury, such sum as may be allowed by the court of county commissioners, not to exceed one hundred dollars per annum.

Section 10.—Be it further enacted, that the Constables sheriff shall be entitled to the same number of for said court. constables or deputies for the jury terms of said court who shall be selected in the same manner and whose compensation shall be the same as those allowed him by law for the circuit court.

Section 11.—Be it further enacted, that the Fees of Judge. fees paid the judge of said court shall be as follows: For the trial of each case and in cases where the defendant pleads guilty, three dollars; for each case nol prossed, one dollar; for each final judgment against a defaulting witness, or defendant surety, one dollar, which fees shall be paid out of the county treasury.

Section 12.—Be it further enacted that in all Challenges. trials in said court the State shall be entitled to only two preemptory challenges in each case, and the defendant to only three, whether there are one or several defendants.

Section 13.—Be it further enacted, that if the Special Judge. judge of said court be incompetent to try any cause pending in said court, the clerk thereof shall appoint a special judge, to act in his stead.

Section 14.—Be it further enacted, that all ap- Appeals to Supreme Court. peals from the jury term of said court shall be to the supreme court on a writ of error and shall be taken in all respects in the same manner as appeals from the circuit court to the supreme court, but all appeals from the county court tried before the judge without the intervention of a jury shall be to the circuit court, and tried de novo.

Section 15.—Be it further enacted, that the Effect. provisions of this act shall take effect immediately upon its passage.

Section 16.—Be it further enacted, that all Repeal. laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, Feb. 7, 1907.

No. 19.)

AN ACT.

(S. 37.

To prohibit the sale of spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors in precinct number five, Barbour county, Alabama, except in a dispensary in the corporate limits of the city of Eufaula, and to provide punishment for the violation of this act.

Sale of liquors prohibited except in dispensary.

Section 1.—Be it enacted by the Legislature of Alabama, that no spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors, shall be sold in precinct number five, Barbour county, Alabama, except in a dispensary in the corporate limits of the city of Eufaula.

Penalty for violation.

Section 2.—Be it further enacted, that any person, or persons, guilty of violating this act, or any of the provisions thereof, shall be guilty of a misdemeanor, and on conviction shall be fined for each offense not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for a period of not more than twelve months.

Repeal.

Section 3.—Be it further enacted, that all laws or parts of laws in conflict with this act or any part thereof, be and the same are hereby repealed.

Effect.

Section 4.—Be it further enacted, that this act shall go into effect thirty days after it is approved by the governor of the State of Alabama.

Approved Feb. 7, 1907.

No. 21.)

AN ACT.

(S. 36.

To authorize the city of Eufaula to establish, maintain, regulate and operate a dispensary in the said city of Eufaula, Barbour county, Alabama, for the purchase and sale of spir-

ituous, vinous and malt liquors and wines, ciders and other intoxicating liquors and to establish and perpetuate a board of commissioners for the management of said dispensary, and to prohibit the sale, except by said dispensary of such liquors in said city of Eufaula, and to provide punishment for any violation of the provisions of this act.

Section 1.—Be it enacted by the Legislature of Alabama, that from and after the passage of this act a dispensary for the purchase and sale of spirituous, vinous and malt liquors and wines, ciders, and other intoxicating liquors shall be established in the city of Eufaula, Barbour county, Alabama, and that John M. Edmonson, J. D. Clayton, G. L. Comer, C. G. Mercer, and Harmon Lampley be and they are hereby constituted and made a board of commissioners for said city of Eufaula, and they shall control, manage and conduct the affairs and business of said dispensary and they shall be known as the Dispensary Commission. That the term of said John M. Edmonson as commissioner shall be for a period of one year and until his successor is appointed and qualified; that the term of the said J. D. Clayton as commissioner shall be for a period of two years and until his successor is appointed and qualified; that the term of the said G. L. Comer as commissioner shall be for a period of three years and until his successor is appointed and qualified; that the term of the said C. G. Mercer as commissioner shall be a period of four years and until his successor is appointed and qualified; that the term of said Harmon Lampley as commissioner shall be for a period of five years and until his successor is appointed and qualified. That the successors of the said commissioners, whose terms as commissioners have so expired shall be appointed by the Governor of Alabama and said commissioners so appointed shall hold office for a period of five years and until their successors are appointed and

Dispensary
established.

Board of Com-
missioners.

Term of of-
fice.

Successors;
how appointed.

Vacancy; how filled.	qualified, and all vacancies occurring in said board of commissioners, other than by the expiration of the term of office of commissioners, shall be filled by said remaining commissioners. That said board of commissioners shall elect immediately after this act goes into effect and on the same day in each succeeding year thereafter a president, a secretary and a treasurer for said board of commissioners. That said commissioners shall be citizens of said city of Eufaula.
Officers of Board.	
Dispensary to be operated.	Section 2.—Be it further enacted, that the said city of Eufaula through said dispensary commission provided for in this act shall maintain and operate at some convenient place in said city of Eufaula, Alabama, and within the fire limits thereof, a dispensary for the sale of spirituous, vinous and malt liquors, and wines, ciders and other intoxicating liquors, and said city of Eufaula by and through said dispensary commission, is hereby authorized to purchase said liquors and to sell the same through the dispenser hereinafter provided for. The members of said dispensary commission shall be required to take and subscribe an oath that they will faithfully and honestly discharge all the duties required of them by this act, and they shall each also be required to give bond with good and sufficient sureties to be approved by the mayor and city council of said city of Eufaula in the sum of one thousand dollars each, payable to said city of Eufaula and conditioned to faithfully account for all goods and moneys that may come into their hands as such commissioners, and for the faithful performance of all duties required of them by this act. Said affidavits and bonds shall be filed with the mayor of said city of Eufaula. Each member of said dispensary commission shall receive a salary of one hundred dollars per annum payable in quarterly installments out of the net proceeds of said dispensary. The said secretary and said treasurer to be elected by said dispensary commission shall each be required to give bond with good and sufficient sureties to be approved by the
Purchase and sale of liquors.	
Oath and bond required of Commissioners.	
Where filed.	
Salary.	
Secretary of Treasury to give bond.	

mayor and city council of said city of Eufaula in the sum of five thousand dollars each, payable to said city of Eufaula and conditioned to faithfully account for all goods and moneys that may come into their hands as such secretary and as such treasurer, and for the faithful performance of all duties required of them by this act, which affidavits and bonds shall be filed with the mayor of said city of Eufaula. Said secretary shall receive a salary of not less than three hundred dollars per annum, payable in monthly installments out of the net proceeds of said dispensary, and said treasurer shall receive a salary of not less than two hundred dollars per annum, payable in monthly installments out of the net proceeds of said dispensary.

Salary of Sec.
retary and
Treasurer.

Section 3.—Be it further enacted, that said city of Eufaula through said dispensary commission shall at all times keep the dispenser or dispensers, hereinafter provided for, supplied with a stock of spirituous, vinous and malt liquors and wines, ciders and other intoxicating liquors. Said dispensary commission is authorized to employ such person or persons as may be necessary for the carrying out of this provision. Said dispensary commission is authorized for and in the name of the city of Eufaula to lease a warehouse for the keeping of, and in which to bottle liquors.

Dispenser to
be supplied
with liquors.

May employ
persons.

Lease ware-
house for li-
quors.

Section 4.—Be it further enacted, that said dispensary commission shall on the day after their qualification elect a man, or men, who shall be of good moral character and sober habits to be known as the dispenser or dispensers and his assistant or assistants. Said dispenser shall receive from the dispensary commission the stock of liquors delivered to him by said dispensary commission and shall sell the same only for cash in quantities not exceeding four gallons and in quantities not less than one-half pint, and shall make no sales except for cash, and shall turn over all moneys received by him to the secretary of said board of commissioners at the end of each day, and said secretary shall at the end of each

Dispensers
provided for.

Duties as to
sale of liquor
and proceeds
of sale.

Duty of Sec-
retary as to
money re-
ceived.

Oath and bond
of dispenser
to assistants.

week turn over all moneys coming into his hands from said dispenser to the treasurer of said dispensary commission and take his receipt for the same. Said dispenser and his assistant or assistants, shall each be required to take and subscribe an oath that he will faithfully and honestly discharge all duties required of him by this act and they shall each also be required to give bond with good and sufficient sureties to be approved by said dispensary commission, in such sum as said dispensary commission may determine, and payable to said city of Eufaula, conditioned to faithfully account for all goods and moneys that may come into their hands as such dispenser or assistant, and for the faithful performance of all duties required of them by this act, and by such rules and regulations as said dispensary commission may enact. Said affidavits and bonds to be filed with the mayor of the city of Eufaula. Said dispenser and his assistant, or assistants, shall each receive such compensation as said dispensary commission may fix, and the compensation of each shall not be dependent upon the amount of sales at said dispensary.

Where filed.

Compensation.

Officers may
be removed.

Unexpired
terms; how
filled.

Accounts of
dispensary;
how paid.

Section 5.—Be it further enacted, that said secretary and said treasurer may be removed from such positions of secretary and treasurer by a majority of said commissioners whenever they deem it best for the proper management of said dispensary and said dispenser and said assistant or assistants may be removed by a majority of said dispensary commission whenever they deem it best for the proper management of said dispensary, and said dispensary commission may fill the unexpired term of them who may be removed.

Section 6.—Be it further enacted, that all accounts due by said dispensary for the maintenance and operation of the same shall from time to time be paid by the treasurer upon such demand being presented to said treasurer and approved by a majority of said dispensary commission.

Section 7.—Be it further enacted, that said dispensary commission shall make from time to time rules and regulations for the operation of said dispensary not in conflict with the provisions of this act and the laws of the State of Alabama, and the said dispensary commission shall at all times in the management and conduct of said dispensary conform to the laws of the State of Alabama regulating the sale of spirituous, vinous and malt liquors, and the said dispenser and assistants shall conform to all the regulations that said dispensary commission may enact for the control, management and conduct of said dispensary which are not in conflict with the laws of this State.

Rules and regulations made by Commissioners.

Section 8.—Be it further enacted, that no spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors shall be drunk in the building or on the premises where said dispensary is located, nor within thirty feet of said building.

Liquors not to be drunk in building, etc.

Section 9.—Be it further enacted, that said dispensary shall not be opened on any day before six o'clock, a. m., and shall be closed each day at or before six o'clock, p. m., and shall remain closed on Sundays, election days and on the day before election days, and on such other days as the dispensary commission may direct the same to stand closed.

Hours of opening and closing.

Section 10.—Be it further enacted that the dispenser and his assistants at said dispensary shall not sell to any person or persons any spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors except in sealed packages and there shall not be kept any broken packages in said dispensary and whenever an original package is broken it shall be reported to the secretary and the same shall then be bottled and sealed and sold by the dispenser of said dispensary in such bottled and sealed condition.

Liquors sold only in sealed packages.

Section 11.—Be it further enacted, that said dispensary commission shall make a monthly report to the city council of the city of Eufaula,

Report of dispensary Commission.

showing the exact financial condition of the said dispensary and the said city council of the city of Eufaula shall at any time when they see proper make an investigation of the correctness of said report and check up the accounts, matters and affairs pertaining to said dispensary.

Loitering not
allowed.

Section 12.—Be it further enacted, that the dispenser and his assistants shall not allow any person to loiter in or about said dispensary, and it is hereby made unlawful for any person or persons to loiter in or about said dispensary or on the premises where the same is located and for failure to enforce this section of this act the dispenser or any of his assistants of said dispensary may be removed from office.

Power of
mayor and aldermen to act.

Section 13.—Be it further enacted, that the mayor and city council of the city of Eufaula shall have the power and authority to pass all ordinances to carry out the provisions of this act, and to provide suitable penalties for the violation of any of the provisions of this act.

Funds for operating dispensary.

Section 14.—Be it further enacted, that said dispensary shall be maintained and operated from the funds arising from the sale of said spirituous, vinous and malt liquors, and wines, ciders and other intoxicating liquors, and the said city of Eufaula in order to inaugurate and maintain said dispensary is hereby authorized to purchase a stock of liquors and pledge its credit therefor.

Net profits;
how disbursed.

Section 15.—Be it further enacted, that the said dispensary commission shall pay all of the net profits of said dispensary to the said city of Eufaula, and said city of Eufaula shall expend each year through said dispensary commission not less than ten per centum nor more than 20 per centum of said net profits for the benefit of the roads and schools in precinct number five, Barbour county, Alabama, outside of the city of Eufaula, and the balance of said profits shall be expended as the authorities of said city of Eufaula may determine.

Section 16.—Be it further enacted, that on and after the passage of this act the said city of Eufaula is hereby prohibited from issuing, granting or renewing any license for the sale of spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors, within the corporate limits of said city of Eufaula. Granting of license to sell liquor prohibited.

Section 17.—Be it further enacted, that all laws and parts of laws in conflict with this act, or any part hereof, be and the same are hereby repealed. Repeal.

Section 18.—Be it further enacted, that this act shall go into effect thirty days after it is approved by the Governor of the State of Alabama. Effect.

Approved Feb. 7, 1907.

No. 22.) AN ACT. (S. 158.)

To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

Section 1.—Be it enacted by the Legislature of Alabama, the county of Madison is hereby authorized and empowered to conduct and carry on a business of buying and selling spirituous, vinous and malt liquors and for that purpose to establish, operate and maintain a dispensary, under the supervision, direction and control of the court of county commissioners of said county, which dispensary shall be located at some public, convenient and accessible place in the city of Huntsville. Dispensary authorized. Location.

Section 2.—Within ten days after the passage of this act the Governor of the State of Alabama shall appoint a dispenser for said dispensary who shall hold office for four years from and after his appointment and until his successor is elected and qualified. On the first Monday in April, 1911, and every four years thereafter, said court of county commissioners shall elect a dispenser. Governor to appoint dispenser. Election of.

Qualifica-
tions.

Duty of Court
of County
Commission-
ers.

for said dispensary. The dispenser shall be a resident of Madison county, over the age of twenty-one years and esteemed as honest, temperate, and law-abiding and competent to perform the duties of dispenser.

Section 3.—It shall be the duty of the said court of county commissioners as soon as practicable after the passage of this act, to locate and establish and begin the conduct and operation of said business. Said court of county commissioners are authorized to adopt such rules and regulations for the establishment, maintenance, management and operation of said dispensary not inconsistent with this act, as they may deem best, and they shall keep a book of minutes of all their proceedings, in which shall also be entered such rules and regulations as they may adopt. They shall keep a strict and accurate account of all receipts and expenditures, of every kind and description, for or on account of said dispensary, in a well bound book, or books, provided for that purpose, which book or books, shall show the items of such receipts and expenditures, as to dates, amounts, and persons to whom and by whom paid, and said book shall be kept in the office of the probate judge of said county and shall be subject at all times to inspection and examination by the citizens of the county. All accounts paid by said court of county commissioners on account of the establishment, maintenance or operation of said dispensary shall be itemized, made out against said county and paid as other claims against said county are paid. The receipts and vouchers therefor shall be carefully kept and filed by the probate judge, as public records of the county.

Liquors; how
purchased.

Governor to
appoint Com-
missioners.

Section 4.—The liquors, supplies, equipments and fixtures for said dispensary shall be purchased and contracted for by three persons to be known as the Dispensary Commissioners, one of whom shall be the probate judge of said county. Within ten days after the passage of this act the governor of the State of Alabama shall appoint

the other two dispensary commissioners who shall hold office for four years from and after their appointment and until their successors are elected and qualified. On the first Monday in April, 1911, and every four years thereafter, said court of county commissioners shall elect two dispensary commissioners who shall hold office until their successors are elected and qualified. The dispensary commissioners shall be resident citizens of Madison county, of good moral character, honest, temperate and intelligent. They shall attend in person to the purchase of all supplies, equipments, fixtures and liquors for said dispensary, which they shall purchase for and on account of the county and the bills therefor shall be made up against the county and approved in writing by said dispensary commissioners. The dispensary commissioners shall see to it that all spirituous liquors purchased for said dispensary shall be pure distilled liquor and unadulterated, and to this end they may from time to time cause inspections and analysis to be made by experts of the various liquors in stock or intended for sale at said dispensary. No liquors except as hereinafter provided shall be purchased by said dispensary commissioners for replenishing the stock in said dispensary except upon a written order issued by the court of county commissioners, such written orders to be issued whenever the dispenser shall state in writing that the liquors so ordered are needed in the dispensary; provided, however, that said dispensary commissioners shall in purchasing liquors by the barrel for said dispensary, make such purchases on a certain day or certain days in each year, advertise for bids therefor, stating the kind, character and quality of liquors desired, of a certain age and proof, and requiring them to be pure distilled, and shall award the contract therefor to the lowest responsible bidder, requiring from the party getting the contract a bond with good and sufficient sureties in such sum as the dispensary commissioners shall fix stipulated that the goods

Election of same.

Qualifications.

Duties.

Salary of.

Vacancy; how filled.

Duties of dispenser.

Salary of assistants.

Oath.

shall come up to standard as called for by the advertisement and be delivered as needed. Said bond shall be made payable to the judge of probate of said county and his successors in office for the use of the county and shall be filed and kept in his office. Said dispensary commissioners shall each receive an annual salary of fifty dollars, payable at such times as the court of county commissioners shall prescribe. Any vacancy in the office of dispensary commissioner prior to the first Monday in April, 1911, shall be filled by appointment by the Governor; thereafter by said court of county commissioners.

Section 5.—The dispenser under the control and supervision of the said court of county commissioners shall sell liquors at such dispensary for cash only at a uniform price or prices to be fixed by the court of county commissioners. He shall have the immediate management and custody of said dispensary subject to the regulations and supervision of said court of county commissioners. He shall employ such assistants in the business as the court of county commissioners shall by regulation authorize, at such salary as shall be fixed by said court of county commissioners not exceeding seventy-five dollars a month each. Such compensation shall be prescribed prior to the employment of such clerks or assistants and shall not in any way be dependent on the amount of sales at the dispensary. The selection of such clerks or assistants shall be subject to the approval of the commissioners' court, and the dispenser shall be responsible for the conduct of such clerks or assistants. Said dispenser shall see that the dispensary is kept supplied at all times with a stock of liquors sufficient in quantity and variety to meet the demand therefor and he shall from time to time report in writing to the commissioners court as to what liquors are needed therein for the purpose of replenishing the stock. Before entering upon the discharge of his duties the dispenser shall take and subscribe an affidavit which shall be filed in

the office of the probate judge of said county in form as follows: "I, _____ do solemnly swear that I have never knowingly violated the laws of Alabama relative to the sale or giving away of spirituous, vinous or malt liquors, that I will not knowingly sell or give away or permit the sale or gift of any spirituous, vinous or malt liquors to any minor or person of unsound mind, or to any person of known intemperate habits; that I will not keep open the dispensary or make or allow any sale of liquors when it is unlawful so to do; that I will not drink or allow any loitering, drinking or gambling of any kind in or about the dispensary or the premises on which it is located; and that I will faithfully observe and keep the rules and regulations made and enacted for the management and operation of said dispensary, so help me God." The dispenser shall also before beginning business execute a bond with two good and sufficient sureties or with some solvent guarantee company as security, to be approved by the probate judge and filed and recorded in his office, in the penalty of ten thousand dollars, payable to the judge of probate of said county and his successors in office, and conditioned for the honest and faithful discharge of his duties as such dispenser, and to cover any default of his clerks or assistants. For neglect of duty, incompetency, violation of his oath, misfeasance or malfeasance in office, the dispenser may be removed from office by said court of county commissioners. Any vacancy in the office of dispenser, prior to the first Monday in April, 1911, shall be filled by appointment by the Governor; thereafter by said court of county commissioners.

Removal.

Vacancy; how filled.

Section 6.—The dispenser shall be paid a salary of one hundred and twenty-five dollars a month, payable on the first day of each calendar month, and his compensation shall not depend in any way on the amount of sales that may be made at said dispensary.

Salary of dispenser.

Dispenser
to deposit
funds.

Section 7.—The dispenser shall deposit each day with some good and solvent bank in the city of Huntsville, Alabama, the money taken in by said dispensary from the sale of liquors. Said moneys shall be deposited to the credit of "Madison County Dispensary Account" and shall be subject to check of the probate judge of said county, on order or resolution regularly passed by the commissioners' court of said county, and not otherwise.

Quantity of li-
quor sold.

Section 8.—No liquors of any kind shall be sold in any quantity less than one-half pint, nor shall more than one sale be made to the same person in one day; no sale shall be made nor shall said dispensary be kept open between the hours of six o'clock p. m. of one day and six o'clock a. m. of the next day, nor shall any spirituous or vinous or malt liquors be received, kept or sold at said dispensary that are not contained in sealed packages.

Hours of open-
ing closing.

Drinking not
allowed.

Section 9.—Neither the dispenser nor any clerk or assistant shall himself drink or give away or suffer any other person to drink or give away liquor of any kind or in any quantity at or near the dispensary or on the premises on which said dispensary is located. Nor shall any one loiter, drink or engage in gambling of any kind on or about said premises.

Loitering, etc.
not allowed.

Gates, etc., not
to be connected
with dispens-
sary.

Section 10.—No gates, doors, windows or other openings shall connect the dispensary with any adjacent house or lot so as to permit ingress into or egress from said house or lot from or into the dispensary.

Screens, etc.,
not allowed at
windows.

Section 11.—No screens shall be placed or allowed at or near the windows or doors of said dispensary, so as to prevent persons in such dispensary from being seen by persons outside.

Duty of
County Com-
missioners as
to liquors
bought.

Section 12.—The court of county commissioners shall keep an inventory of the liquors bought and placed in the said dispensary for sale and shall take from the dispenser a receipt or receipts therefor, and said dispenser shall keep an accurate account of all sales. He shall make month-

ly settlements with said court of county commissioners and also make monthly reports in writing on the last working day of each month on such forms and under such directions, rules and regulations as said commissioners may require, and shall give full and accurate information as to the condition, expenses, profits, losses and status of the business, and he shall make such additional reports as may be required from him from time to time by said court of county commissioners. He shall also keep in said dispensary a book or books in which shall be entered the date and amount of each purchase, with the signature of the purchaser, or if he cannot write, his name shall be written by the dispenser or his clerk or assistants, said book or books shall be subject to inspection or examination by the grand juries of said county, and when properly identified shall be prima facie evidence of its contents in any of the courts of this state.

Dispenser to make monthly settlements and reports.

Names and signatures of parties purchasing liquor to be kept in book.

Section 13.—It shall not be lawful to sell or purchase any liquors at said dispensary on Sunday, Christmas day, Thanksgiving day, or any day when by the laws of Alabama it is or shall be made unlawful to sell such liquors. Nor shall it be lawful to sell thereat any liquors to any minor, person of unsound mind or of known intemperate habits or to any intoxicated person, nor for any minor or person of known intemperate habits to purchase any such liquor. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard lafor for the county for not more than six months.

Days on which unlawful to buy or sell liquor at dispensary.

Unlawful to sell to minor, etc.

Penalty for violation.

Section 14.—It shall be unlawful for any person, firm or corporation to keep or maintain any house or place where charges are made for mixing or concocting drinks of spirituous, vinous or malt liquors, or where charges are made for the use of glasses or other receptacles for drinking such liquors.

Unlawful to keep place where liquors are mixed.

Unlawful to place liquor in public road.

Unlawful to send liquor, etc. into said county.

Unlawful to otherwise dispose of liquor.

Domestic wines.

Penalty; when effective.

Penalty for violation of sections 8, 9, 11, 14 or 15.

Penalty for violating sections 16 or 77.

Section 15.—It shall be unlawful to place or leave in any public road, street, alley or other public place any bottle or other receptacle containing any spirituous, vinous or malt liquors.

Section 16.—It shall be unlawful to send, carry or deliver to any one in said county from any place in the state of Alabama out of said county, any spirituous, vinous or malt liquors and the jurisdiction for said offense shall lie and be in the said county of Madison.

Section 17.—It shall be unlawful to sell, barter or exchange any spirituous, vinous or malt liquors in said county of Madison except as herein provided. Provided, that this act shall not prevent the sale on their own premises of domestic wines, in quantities not less than one quart by persons who have manufactured the same from grapes or berries on lands owned, leased or rented by them in Madison county; provided they do not establish places to sell the same or engage regularly in the business of selling the same within the limits of said county and provided, further, that nothing in this act contained shall be construed so as to prevent the sale or delivery of spirituous, vinous or malt liquors in sealed packages to said county or said dispensary commissioners for sale at said dispensary and provided further that the penalty prescribed by and under this act for the sale, barter or exchange of any spirituous, vinous or malt liquors in said county of Madison, shall not become or be effective before the dispensary provided for by this act shall be established and put into operation.

Section 18.—Any person violating any of the provisions of sections 8, 9, 11, 14, or 15 of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars.

Section 19.—Any person violating any of the provisions of section 16 or 17 of this act shall be guilty of a misdemeanor and on conviction for the first or second offense shall be fined not less than fifty nor more than five hundred dollars and

may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, and for the third or subsequent offense shall be fined not less than fifty nor more than five hundred dollars and shall also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Section 20.—It shall be unlawful for any person, firm or corporation, directly or indirectly, to offer or give to any person purchasing or contracting for liquors for said dispensary or any of the county commissioners or to the dispenser any rebate or commission or personal or pecuniary advantage or benefit by reason of or connected with or growing out of the sale or purchase of any liquor or supplies for said dispensary; and it shall be unlawful for any county commissioner, dispenser or person purchasing or contracting for liquors for said dispensary to receive, directly or indirectly any such rebate or commission or personal or pecuniary benefit or advantage. Any person violating any of the provisions of this section shall be guilty of a felony and on conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than three years.

Rebates or
commissions
not allowed.

Section 21.—It shall be the duty of the mayor and aldermen of the city of Huntsville and of the policement of said city to aid and co-operate with the county and state authorities in carrying out and enforcing the provisions of this act and bringing to punishment those guilty of violating its provisions.

Duty of mayor
and police-
men of said
city.

Section 22.—The dispenser is hereby invested with full power and charged with the duty, for the purpose of preserving order in and about said dispensary, of making arrests for violations therein of its regulations or the ordinances of said city or the criminal laws of the State.

Power of dis-
penser to make
arrests.

Section 23.—Said court of county commissioners is further authorized and empowered to employ such clerical assistance as they may deem necessary and proper for the purpose of carrying

Clerical assist-
ance; how em-
ployed.

out the provisions of this act as to keeping of books and records and also to employ a skilled chemist for the purpose of inspecting, testing and passing upon the liquors to be sold at said dispensary, as to their purity and freedom from adulteration.

License tax.

Section 24.—Said court of county commissioners shall annually pay into the treasury of the state as a license tax for said dispensary the sum of five hundred dollars, payable when other state license taxes are payable. Said tax shall be in lieu of all other license taxes, state, county and municipal.

Disbursement
of net pro-
ceeds.

Section 25.—The proceeds arising from the operation of said dispensary after the payment of the expenses of conducting the business shall be divided as follows: From the net proceeds there shall first be paid to the county superintendent of education for the support of the public schools of the county the sum of five thousand dollars, yearly, payable in quarterly installments at the end of each quarter after the establishment of said dispensary. The balance of said net proceeds shall at the end of each quarter be equally divided between the county of Madison and the municipal corporation known as the mayor and aldermen of the city of Huntsville. The county's half of said funds shall be paid into the county treasury at the end of each quarter and expended by the commissioners' court for the building, repair and maintenance of the public roads of the county.

Judges to give
act in special
charge to
grand juries.

Section 26.—The judges of the circuit court of said county and of courts having like jurisdiction in said county shall give this act in special charge to the grand juries; and it is the duty of the grand jury, if the evidence justifies it, to find and present indictments for the violation of any of the provisions of this act.

Court of
County Com-
missioners
open.

Section 27.—For administering the provisions of this act the court of county commissioners of Madison county shall be deemed to be always open.

Section 28.—This act shall be effective from and after its passage. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved Feb. 5, 1907.

No. 23.)

AN ACT.

(S. 191.

To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1907, except in the dispensary for said county, located in the city of Hunasville.

Be it enacted by the Legislature of Alabama :

1.—It shall be unlawful to sell, barter or exchange spirituous, vinous or malt liquors in the county of Madison after the first day of March, 1907, except in the dispensary for said county, located in the city of Huntsville.

2.—Nothing in this act, however, shall be construed so as to prevent the sale on their own premises, of domestic wines in quantities not less than one quart, by persons who have manufactured the same from grapes or berries grown on lands, owned, leased or rented by them in said county, provided they do not establish places to sell the same or engage regularly in the business of selling the same.

3.—Any person violating the provisions of this act shall be guilty of a misdemeanor and on conviction for the first or second offence, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in county jail or sentenced to hard labor for the county for not more than six months, and for the third or subsequent offense, shall be fined not less than fifty nor more than five hundred dollars and shall also be imprisoned in the county jail or sen-

Repeal.

tenced to hard labor for the county for not more than six months.

4.—All laws and parts of laws in conflict with the provisions of this act are repealed.

Approved Feb. 9, 1907.

No. 26.)

AN ACT.

(H. 428.)

To authorize all incorporated towns and cities in Elmore county to establish and operate a dispensary or dispensaries in such incorporated towns or cities for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

Cities and towns to operate dispensaries.

Number of dispensaries.

Section 1.—Be it enacted by the Legislature of Alabama, that each incorporated town or city in Elmore county shall have authority to conduct and carry on in its corporate name, in its corporate capacity and through its legislative body, the business of buying and selling spirituous, vinous and malt liquors, subject to conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary. In each of said towns and cities, which has a population of ten thousand or less there shall be one dispensary and only one. In towns or cities having a population greater than ten thousand and not exceeding twenty thousand, there, may be two dispensaries. In general there may be in each city a dispensary for every ten thousand of its population. Cities whose population is over twenty thousand, and between multiples of ten thousand, may have a dispensary for every ten thousand of its population, and an additional dispensary for the excess of its population, over the lower one of said multiples. The population of towns and cities shall be de-

terminated by the last preceding census. These dispensaries shall be carried on, only within the corporate limits of such towns or cities. Each of said municipalities shall invest in said business a sum of money not less than three hundred dollars nor more than twenty-five hundred dollars, for each dispensary it may carry on. The liquors bought and sold as herein provided, shall be of the purest and best quality.

Population,
how determined.

Amount of
money invested.

Section 2.—The office of dispenser is hereby created, and there shall be a dispenser for each dispensary that may be established. The first dispensers shall be elected within thirty days after the approval of this act, and their term of office shall begin from the date of their election and shall continue until the first day of January, 1909. The term of their successors in office shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Office of dispenser created.

Dispenser election, term of office.

Section 3.—For the purpose of aiding as hereinafter prescribed in the selection of dispensers the court of county commissioners of said county shall meet at the court house of said county for the first selection within ten days after the approval of this act, and said court shall make each subsequent selection in a similar manner at any regular or called meeting of said court that may be held between the last day of September, 1908, and the fifteenth day of December of that year, and at any regular or called meeting of said court that may be held between the last of September and the 15th day of December, every two years thereafter, and at such meetings said court of county commissioners shall select and furnish to the mayor or other chief executive of the incorporated towns or cities in said county, the names of three times as many men as the number of dispensaries to which the several towns and cities are entitled, specifying the men who are furnished or apportioned to each town or city in said county. These men so selected shall be residents of Elmore county, shall be twenty-one years of age, and shall be esteemed as honest,

Dispensers;
how elected.

Qualifications
of dispensers.

Dispenser to
buy and sell
liquors.

Town and city
to provide
money.

Oath.

Bond.

Removal.

Vacancy; how
filled.

temperate, law abiding citizens and competent to carry on a dispensary in said towns or cities. Within five days after being furnished with the names of said persons for the first selection and before the first day of each succeeding term of office herein provided for, the legislative body of said towns and cities shall from the names so furnished elect a dispenser or dispensers for their town or city. Each dispenser, under the direction and control of the town or city in which his dispensary is situated, shall buy and sell liquors and carry on the dispensary for the term of two years and until his successors is elected and qualified. Provided that the term of office of the first dispensers under this act shall expire January 1st, 1909. Each town or city having a dispensary shall provide its dispenser with whatever money within the aforesaid limit, that it wishes him to use in conducting the business. Before entering upon the duties of his office each dispenser shall make affirmation before an officer authorized to administer oaths, that he will obey all laws of the State of Alabama, and of the town or city of which he is dispenser, relative to the sale, giving away or delivery of liquors, of any kind; he shall also before beginning business execute to his own town or city a bond, conditioned for the honest and faithful discharge of his duties as such dispenser. Such bond shall have two sufficient sureties, and approved by the mayor or other chief executive of said town or city. For neglect of business, incompetency, misfeasance, or malfeasance in office a dispenser may be impeached by the legislative or governing body of said town or city of which he is dispenser; and for cause to be judged of by said body said dispenser may be removed from office. Whenever a vacancy in said office occurs in any town or city from any cause whatever, the mayor or other chief executive of such town or city shall certify that fact to the judge of probate of said county. Said judge shall immediately call a meeting of the court of county commissioners of his county, and said court shall

furnish to the said mayor or chief executive for selection as aforesaid, to fill such vacancy, the names of three men having the aforesaid qualifications for a dispenser and from these names the legislative body of said town or city shall elect at once a dispenser to fill the vacancy.

Section 4.—The legislative or governing body of the towns and cities in which dispensaries may be carried on shall pay to their several dispensers a salary which shall be fixed by said body before the dispensers are elected. Said salary shall not be less than one hundred dollars per annum nor more than twelve hundred dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser or dispensers. Salary of dispensers.

Section 5.—The dispenser shall not sell any liquor of any kind in any quantity less than one half-pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hours of 6 p. m. of one day and 6 a. m. of the next day. Quantity of liquor sold.

Section 6.—Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser or some employee designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury any one whom he believes to be guilty of violating the provisions of this section. Unlawful to drink liquors on premises of dispensary.

Section 7.—Any person who drinks or consumes any liquor on said premises except as permitted in section six (6) of this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than fifteen nor more than one hundred dollars. Penalty for violation.

Liquor kept
and sold only
in sealed
packages.

Section 8.—The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive or keep any broken packages in his dispensary. If any original package should be broken the contents shall be bottled and the bottle sealed.

Duties of dis-
pensers.

Section 9.—The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of the town or city in which he is conducting a dispensary and to the probate judge itemized monthly reports, giving full and accurate information as to the condition, expenses, profits, losses, and status of the business. He shall make other and additional reports, oral or in writing, whenever and as often as the legislative body of his town or city or any member of said body may require. Subject to the provisions of this act, such legislative body shall regulate and control the conduct and management of said business. On the 30th day of September of each year, beginning with the 30th day of September of the year immediately succeeding the year in which said dispensaries shall be established said cities and towns doing business under this Act shall pay to the county superintendent of Education of said county fifty per cent of the net profits of the several dispensaries after deducting all the expenses of operating the dispensaries. The county superintendent of education of said county shall apply the funds so received by him to the township and district schools in said county in the same proportion as the public school fund of the State is distributed.

Amount paid
to Supt. of Ed.

How applied.

Other sales
prohibited.

Exception.

Section 10.—No spirituous, vinous or malt liquors or intoxicating drinks shall be sold in said county, except as herein provided. But nothing in this act shall be so construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale in sealed packages to

dispensers or to liquor dealers who may be otherwise authorized to sell such liquor outside of said county. Any person who violates the provisions of this section shall be guilty of a misdemeanor and on each conviction shall be fined not less than fifty nor more than one hundred dollars or sentenced to hard labor for the county for a period of not exceeding six months. ^{Penalty for violation.}

Section 11.—The term legislative body where it appears in this act is intended to include the lawmaking bodies of the towns and cities mentioned whether the said body is called mayor and aldermen, board of mayor and aldermen, council, town council, city council, indentent and town council or by some other name. ^{Meaning of term "Legislative Body."}

Section 12.—No gates, doors, windows, or other openings shall connect any dispensary with any adjacent house or lot so as to permit ingress or egress into and out of such house or lot from and into the dispensary. ^{Connections with adjacent house not allowed.}

Section 13.—Each dispensary severally operated under the provisions of this law shall annually pay into the treasury of the State the same license tax as is now required or may hereafter be prescribed by law to be paid by dispensaries in this State. ^{License to be paid.}

Section 14.—This act shall not repeal nor affect in any manner the dispensary act passed or to be passed at this session of the legislature for precinct number three of Elmore county. ^{Ineffective as to precinct 3.}

Section 15. This act shall go into effect upon its approval by the governor. ^{Effect.}

Section 16. All laws and parts of laws whether general, special or local that conflict with the provisions of this act are hereby repealed so far as the same relate to Elmore county, except as provided in section fourteen of this act. ^{Repeal.}

Approved February 9, 1907.

No. 27.)

AN ACT.

(H. 404.)

To provide bailiffs for the Courts of Montgomery County.

No. of deputy
sheriff to act
in lieu of bail.

Section 1. Be it enacted by the Legislature of Alabama, That in lieu of the bailiffs now required by law, the sheriff of Montgomery county is hereby required to furnish such deputy sheriffs or other persons as may be necessary not to exceed three for any one court, who shall act as and in lieu of bailiffs and to attend to the business of the circuit, city, chancery, county, criminal or probate court to which they may be summoned; provided that the judge of any of said courts may direct the sheriff to furnish additional deputy sheriffs or persons to act as bailiffs by making an order upon the minutes of the court, the number required and the reasons therefor.

Pay for same.

Section 2. The sheriff of said court shall receive two dollars per day for each bailiff furnished under this act to be paid out of the county treasury on the certificate of the clerk of the court in which such deputies may serve showing the number of days of attendance of each bailiff, which sum is to be in full for their service of such bailiffs, but not to be construed as in any way affecting the ex-officio compensation now authorized to the sheriff by law.

Repeal.

Section 3. That all laws or parts of laws both general and special in conflict with the provisions of this act, be and the same are hereby repealed.

Approved Feb. 9, 1907.

No. 29.)

AN ACT.

(H. 161.)

To confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein.

Section 1. Be it enacted by the Legislature of Alabama, That the county court of Monroe county, Alabama, shall have jurisdiction of all misdemeanors committed in said county, except violations of the prohibition law and retailing spirituous, vinous or malt liquors without license contrary to law. Jurisdiction.

Section 2. That at the next spring term, 1907, of the circuit court of said county, it shall be the duty of the presiding judge thereof, upon the day of the adjournment of said court, to make an order upon the minutes of said court, directing and requiring the clerk of said circuit court to deliver to the judge of said county court all indictments then pending and untried in said circuit court against persons charged with the commission of misdemeanors, except violations of prohibition law of said county and for retailing, spirituous, vinous and malt liquors without a license and contrary to law, together with all papers and a certified copy of the docket entries and minutes of proceedings had therein in said circuit court, and upon the transfer and delivery of the same, the jurisdiction of said circuit court shall cease, and exclusive jurisdiction thereof shall vest in said county court. Circuit Judge to make order transferring cases.

Section 3. That prosecutions may be instituted or commenced in said county as is now provided by law in county courts, to be thereafter subject to the provisions of this act. Prosecutions; how instituted.

Section 4. That all indictments for misdemeanors, except violations of prohibition law of said county, and for retailing spirituous, vinous and malt liquors without a license and contrary to law that may hereafter be preferred by the grand juries of said county, must be returned by the clerk of the said circuit court to the judge of the said county court, and filed in said county court, and process to be issued by the clerk of said county court, and all proceedings had in such cases as is now had in the circuit court, except as may be hereinafter provided. Indictments, returned to said county court.

Practice and
rules of pro-
cedure.

Section 5. That said county court shall conform to the practice and rules of procedure of the circuit courts of this State.

When held and
terms.

Section 6. That said county court shall be held, and the office of the clerk thereof shall be kept, at the court house of said county of Monroe; said court shall hold regular terms on the first Monday of each month, and may continue in session until the business of said court is disposed of; the regular terms in January and July of each year shall be the terms for the trials of causes in which juries have been demanded, and may continue for one week each.

Jury terms.

Clerk of Cir-
cuit Court Ex-
officio clerk.

Section 7. That the clerk of the circuit court shall be ex-officio clerk of the said county court.

Trial by jury;
how demand-
ed.

Section 8. That every person charged, either by complaint or indictment, with the commission of a misdemeanor, shall be entitled to a trial by jury; Provided, such person makes a demand therefor before the first day of the next regular term of said county court after he is arrested or taken into custody; and provided further, that any person so arrested or taken into custody, within three days of the next regular term of said county court, shall have until the case is called for trial to demand a jury trial.

Cases con-
tinued when
jury trial de-
manded.

Section 9. That whenever a jury trial is demanded, as provided in section eight, the judge of said court must make an order continuing the cause to the next jury term of said county court and make an order requiring the defendant, or defendants, to give bail for their appearance at such jury term, and from term to term thereafter until discharged by law, and may bind over the witnesses to appear at such term to which said cause is continued, and from term to term thereafter until such cause is disposed of.

Bond of de-
fendant.

May bind over
witnesses.

Petit jurors;
how drawn
and empanel-
ed.

Section 10. That the petit jurors for each jury of said county court shall be drawn and empanelled in the same manner as is provided, or may be, provided by law for petit jurors in the circuit courts of this State, and venires for such jurors shall be issued and executed in the same manner

Venires.

as for circuits courts; and said county court shall have the same power to issue special venires and to call in tales jurors, as the circuit court now has, or may hereafter have, except so far as is altered by this act; and provided, that the jurors empanelled at each jury term shall serve for the whole term unless excused by the court.

Section 11. That all laws of a general nature now in force, or that may be hereafter enacted, so far as the same apply to misdemeanors, unless the contrary be expressly provided, or as may be limited by this act, shall be held to apply and extend to said county court.

Section 12. That there may be such temporary adjournments of said county court as may be deemed expedient and proper by the judge thereof.

Section 13. That if the judge of said county court fails to open the said court on the first day of any regular term, that the sheriff must adjourn the court from day to day, for not more than three days, after which time, if the judge fails to attend, the court will stand adjourned until the next regular term.

Section 14. That the judge may call a special jury term whenever he deems it necessary; twenty days notice of such special term must be given by publication in some newspaper published in said county.

Section 15. That all appeals from said county court shall be to the supreme court of the State of Alabama and that the laws now in force, or that may be hereafter enacted, governing or applying to misdemeanors, from the circuit courts of the State, shall apply to appeals from said county court.

Section 16. That the solicitor of the circuit in which said county of Monroe now is, or may hereafter be, shall be the prosecuting officer before said county court, and all laws applying to his duties as such officer in the circuit court, shall apply to said county court, and that his fees in said county court shall be the same as in the cir-

- Deputy solicitor; how appointed. cuit court, that said circuit solicitor shall appoint a deputy solicitor, who shall be the county solicitor, who shall prosecute all criminal cases before the said county court assist the circuit solicitor before the grand juries of said county and who shall not, and whose law-partner shall not, defend any criminal case in said county; and that the deputy solicitor for said county may collect and retain for his services the fees and commissions earned by him in said court during the year, not to exceed twelve hundred dollars per annum; the residue of such commissions and fees must be paid into the county treasury to the credit of the general fund of said county.
- Salary of. Section 17. That the fees of the judge of said court shall be the same as is now, or may be hereafter provided for the judges of county courts of the State; provided that the judge of said county shall be paid the sum of four dollars for each preliminary trial had before him, which sum shall be paid in like manner as his other fees as judge of said court is paid, and the fees of the clerk of the said county court shall be the same as is now or as may hereafter be, allowed to clerks of circuit courts of this State, that the fees of the sheriff shall be the same as is now, or may hereafter be allowed to the sheriffs on the circuit courts of this State; provided that the sheriff shall be allowed three dollars per day, while actually engaged, for waiting upon the county court which sum shall be paid out of the general funds of the county upon the warrant of the board of county commissioners or board of revenue of said county; that the jurors and witnesses fees shall be the same as is now or may hereafter be, allowed in the circuits courts of the State.
- Fees of Judge of Court. Section 18. That nothing contained in this act shall be so construed or interpreted as in any manner effect, abridge or take away the jurisdiction of justices of the peace in said county.
- Fees of Clerk. Section 19. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.
- Fees of Sheriff. Repeal.
- Not affect jurisdiction of Justices of Peace.
- Repeal.

Approved Feb. 18, 1907.

No. 32.)

AN ACT.

(S. 46.

To divide the county of Macon into four commissioners districts and to provide for the election of a commissioner for each district.

Section 1. Be it enacted by the Legislature of Alabama, that the county of Macon be and the same is hereby divided into four commissioners districts, numbered and composed of the territory as stated below, first district. The first district is composed of the territory in said county embraced within the precincts as now existing and designated and known by name as Tuskegee beat and Little Texas beat. Second district.—The second district is composed of the territory in said county embraced within the precincts as now existing and designated and known by name as Society Hill beat, Warrior Stand beat and Cotton Valley beat. Third district.—The third district is composed of the territory in said county embraced within the precincts as now existing and designated and known by name as Honey Cutt beat, Cross Keys beat and La Place beat. Fourth district.—The fourth district is composed of the territory in said county embraced within the precincts as now existing and designated and known by name as Cloughs beat and Notasulga beat.

Section 2. Be it further enacted, That at the general election in November, 1908, a commissioner shall be elected for each of said districts by qualified electors of the district, whose term of service shall commence at the expiration of the term of service of those now in office and those so elected shall hold office respectively for four years, and each of said commissioners shall be a resident citizen of the respective district from which he is elected.

Section 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved Feb. 13th, 1907.

No. 38.)

AN ACT.

(S. 184.

To amend section 1 of an act entitled an act, to incorporate the town of West Blocton, Bibb county, Alabama, so far as said section relates to the boundary lines of said town, approved March 4, 1901.

Corporate
limits extend-
ed.

What includ-
ed.

Section 1. Be it enacted by the Legislature of Alabama, That the corporate limits of said town shall extend over and include the following described territory to-wit:—The south west quarter of section 13, and the southeast quarter of the south east quarter of section 14, also four acres square in the south east corner of the north east quarter of the south east quarter section 14, also a tract of land described as follows, to-wit: begin at the northeast corner of the southeast quarter of the southwest quarter, of section 13, thence in an easterly direction to the northermost corner of the lot occupied by the Episcopal church, thence following the line of said lot, going in a southeasterly direction to the public road which leads from West Blocton to Blocton, thence going in a southerly direction to the northeast corner of the E. D. Reynolds' lot, thence southwesterly to the southeast corner of said lot, thence west to the east boundary line of the southeast quarter of the southwest quarter, of section 13, all the above described lands being in township 22, south of range 6, west, Bibb county, Alabama.

Approved Feb. 16, 1907.

No. 40.)

AN ACT.

(H. 95.

Prohibiting the sale or giving away of spirituous, vinous or malt liquors or intoxicating beverages within two miles of the corporate limits of the town of River Falls, in Covington county, Alabama, except that portion of

said territory which lies within the corporate limits of the town of Andalusia.

Section 1. Be it enacted by the Legislature of Alabama that on and after the passage of this act, it shall be unlawful to sell, give away or otherwise dispose of spirituous, vinous or malt liquors, or intoxicating beverages within two miles of the corporate limits of the town of River Falls, in Covington county, Alabama, except that portion of said territory which lies within the corporate limits of the town of Andalusia. ^{Sale prohibited.}

Section 2. Be it further enacted, that any person, firm or corporation violating any of the provisions of section 1 of this act shall for the first offense be fined not less than one hundred nor more than five hundred dollars, and for each subsequent offense shall be fined not less than three hundred nor more than one thousand dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not less than six nor more than twelve months. ^{Penalty for violation.}

Approved Feb. 15, 1907.

No. 42.)

AN ACT.

(H. 70.)

To authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee, in Colbert county, to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom and to further regulate or prohibit the sale, barter or exchange of such liquors in said county. Be it enacted by the Legislature of Alabama:

Section 1. That the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee, in Colbert county, shall each have author- ^{Dispensaries authorized.}

One dispensary for each place.	ity to conduct and carry on in its corporate name, in its corporate capacity, and through its legislative body, the business of buying and selling spirituous, vinous, and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary. In each of said cities and towns there shall be one dispensary and only one. These dispensaries shall be carried on only within the corporate limits of such cities or towns, and shall begin operation on the first day of July, 1907, or as soon thereafter as practicable. Each of said municipalities shall invest in said business a sum of money not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00), for the dispensary it may carry on. The liquors bought and sold as herein provided shall be of the purest and best quality and nothing shall be sold at said dispensary except spirituous, vinous and malt liquors.
Where carried on.	<p>Section 2. The office of dispenser is hereby created and there shall be a dispenser for each dispensary that may be established. The first dispensers shall be elected in the manner herein set forth before the 1st day of June, 1907, and their terms of office shall begin on the first day of July, 1907, and shall continue until the first day of July, 1909. The terms of their successors in office shall be two years and each dispenser shall hold office until his successor is elected and qualified.</p>
Amount invested in same.	<p>Section 3. For the purpose of aiding as hereinafter prescribed in the selection of dispensers, meetings of the court of county commissioners of said county shall be called whenever necessary and at any regular or called meeting of said court that may be held between the last day of March, 1907, and the 15th day of May, 1907, and at any regular or called meeting of said court that may be held between the last day of March and 15th day of May every two years thereafter, said court of county commissioners shall furnish to</p>
Office of dispenser created.	
When elected.	
Term of office.	
Manner of electing dispenser.	

the mayor or other chief executive of the cities and towns herein named, names of three men. These men shall be residents of Colbert county, shall be over twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding and competent to carry on a dispensary in said cities and towns. Before the first day of June, 1907, and before the first day of each succeeding term of office herein provided for, the legislative body of each of said towns and cities shall, from the names so furnished for said city or town, elect a dispenser for their said city or town. Each dispenser, under the direction and control of the city or town in which his dispensary is situated, shall sell liquors and carry on the dispensary for the term of two years and until his successor is elected and qualified. Each town or city having a dispensary shall provide whatever money within the aforesaid limits may be necessary to conduct the said business. Before entering upon the duties of his office each dispenser shall make affirmation before an officer authorized to administer oaths that he will obey all the laws of the State of Alabama and of the city or town of which he is dispenser relative to the sale, giving away or delivery of liquors of any kind, and that he will discharge the duties of his office faithfully. He shall also before beginning business execute to his own city or town a bond conditioned for the honest and faithful discharge of his duties as such dispenser. Such bond shall be in such sum as may be fixed by the board of mayor and aldermen or other legislative body of said city or town, and shall be made by some reliable guarantee company as surety, if such suretyship can be obtained, provided if a reliable guarantee company cannot be found who will make said bond, then said bond may be made by not less than three good and sufficient sureties who reside in Colbert county, and shall be approved by the mayor or other chief executive of said town or city. For neglect of business, incompetency, misfeasance or mal-feasance in office, a dispenser may be im-

Money provided.

Oath of dispenser.

Bond.

Removal from office.

Vacancy; how
filled.

peached and removed from office by the legislative body of said city or town of which he is dispenser, in a trial to be had before said board of mayor and aldermen, and the decision of said board shall be final. Whenever a vacancy in said office occurs in any city or town from any cause whatever, the mayor or other chief executive of such city or town shall certify that fact to the judge of probate of said county. Said judge shall immediately call a meeting of the board of county commissioners of his county and said court shall furnish to the said mayor or chief executive for selection as aforesaid to fill said vacancy the names of three men having the aforesaid qualifications for a dispenser and from these names the legislative body of said city or town shall elect a dispenser to fill the vacancy, who shall give bond and make oath as herein provided.

Salary of
dispenser.

Section 4. The legislative or governing body of the cities and towns in which dispensaries may be carried on shall pay to their several dispensers a salary which shall be fixed by said body before the dispensers are elected. In the cities of Tuscumbia and Sheffield said salary shall not be less than \$1,000.00 nor more than \$1,500.00 per annum. In the towns of Leighton and Cherokee said salary shall not be less than \$600.00 nor more than \$1,200.00 per annum, and shall be paid in equal monthly installments on the first day of each month for services rendered during the preceding month. Said legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser.

Regulations
as to sale of
liquor.

Section 5. The dispenser shall not sell any liquor of any kind in any quantity less than one half pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hours of seven p.m. of one day and six a. m. of the next day, during the months of April, May, June, July, August, and September, and during the months of October, November, December, January, February

and March, no sale shall be made between the hours of 6:30 p. m. of one day and 6 a. m. of the next day; and within these hours the dispensary shall be closed and locked.

Section 6. Said dispenser shall not himself ^{Drinking} drink, consume or give away liquor of any kind ^{not allowed} or in any quantity on the premises on which said ^{on premises} business is conducted. Said dispenser shall not ^{of dispensary.} permit or suffer any person to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit sampling liquors which the said dispenser of said city or town may contemplate purchasing. Said dispenser shall report to the first grand jury thereafter any one whom he believes to be guilty of violating the provisions of this section.

Section 7. Any person who drinks, or con- ^{Penalty for} sumes or gives away any liquor on said premises ^{violating} except as permitted in section 6 of this act, and ^{Sec. 6.} any dispenser, assistant clerk or employee who fails to report to the first grand jury thereafter any person who drinks, consumes or gives away any liquor on said premises, except as permitted in section 6 of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$20.00 nor more than \$100.00.

Section 8. The dispenser shall not sell spirit- ^{Liquors sold in} uous, vinous or malt liquors that are not con- ^{sealed pack-} tained in sealed packages and no package which ^{ages only.} does not contain full measure shall be sold at any dispensary. The dispenser shall not receive or keep any broken packages in his dispensary. If any original package should be broken the contents shall be bottled and the bottle sealed.

Section 9. All purchases for the use of said dis- ^{Purchases,} pensaries shall be made by the dispenser, with ^{how made.} the approval of each purchase by the board of mayor and aldermen or other governing body of the city or town where the dispensary is located, expressed in writing, and said purchases shall be for cash only and no sale shall be made by the dispenser except for cash. The dispenser and ^{Account of} the governing body of the city or town shall keep ^{purchases.}

Accounts of
public rec-
ords.

Reports of
dispensers.

Disbursement
of net profits;
county's part.

an accurate account of all the purchases made for the use of the dispensary and the dispenser shall keep an accurate account of each day's sales, the amount sold to each party, the selling price and the names of all parties to whom the sales were made. A copy of which last account shall be filed by the dispenser at the close of each day with the mayor or other executive officer of said city or town, and also mailed to the probate judge of the county of Colbert, which said accounts shall be public records, and shall be filed in substantial books provided for that purpose. Said dispenser shall also make to the legislative body of the town or city in which he is conducting a dispensary and to the probate judge, weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business. He shall make other and additional reports oral or in writing, whenever and as often as the legislative body of his town or city may require. Subject to the provisions of this act such legislative body shall regulate and control the conduct and management of said business. On the first day of January of each year beginning with the first day of January, 1908, said cities and towns doing business under this act shall pay into the county treasury forty per cent (40) of the net profits of the several dispensaries after deducting all the expenses of operating the dispensaries. The treasurer of said county shall keep said amount separate and apart from all other county funds and the same shall be and is hereby appropriated for the maintenance of the public schools of said county outside of the cities and towns where dispensaries are in operation, and for the improvement of the public roads of said county outside of incorporated cities and towns. Upon receiving said fund, the court of county commissioners shall out of the same first make ample provision for the maintenance of the public schools of said

county, which amount so appropriated for schools shall be paid to the county superintendent of education of said county and by him applied to the township and district schools in said county, in the same proportion as the public school fund of the State is now distributed, and to be paid by him to such of said township and district schools and in such proportion to the several schools as the trustees of said several township and district schools shall direct; and the trustees of the said township and district schools shall direct the expenditure of the same as they think best for the furtherance of the education of the children of their respective townships and districts, so as to provide as nearly as practicable school terms of equal duration in such school districts or townships, provided that no part of said county fund shall be applied or appropriated to the schools of a city or town where a dispensary is in operation, and provided that no part of said county fund shall be used or appropriated for any other than road and school purposes as aforesaid. After said public schools have been provided for as aforesaid the remainder of said dispensary fund shall be appropriated by the said board of county commissioners for the improvement and construction of pikes and public roads in said county outside of incorporated cities and towns.

Section 10. Sixty per cent (60) of the net profit of each dispensary, after deducting all the expenses of operating the same, shall be applied and appropriated by the board of mayor and aldermen or other legislative body of the city or town where the dispensary is located, for the use of the public schools and the improvement of the streets of said city or town. Provided, that out of said funds so received by said city or town from said source ample provision shall first be made for the maintenance of the public schools of said city or town, and the remainder of the same shall be appropriated for the improvement of the streets of the said city or town; and provided further that no part of said dispensary

Liquors not otherwise sold.	fund so received by said city or town, shall be appropriated by the governing body of said city or town, or shall be used for any other purpose, than herein provided.
Wholesale sale to cities and towns not prohibited.	<p>Section 11. No spirituous, vinous or malt liquors or intoxicating drinks, shall be sold, bartered or exchanged in said county except as herein provided after the first day of July, 1907. But nothing in this act shall be so construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale in sealed packages to cities or towns operating dispensaries or to liquor dealers who may be otherwise authorized to sell such liquors outside of said county. Nor to prevent any person from selling grape wine, the product of his own vineyard, as now provided by law in said county. Any person who violates the provisions of this section shall be guilty of a misdemeanor and on each conviction shall be fined not less than \$50.00 nor more than \$500.00 and shall be sentenced to hard labor for the county for not less than three months nor more than one year.</p>
Grape wine.	<p>Section 12. The term legislative body where it appears in this act is intended to include the law-making bodies of the towns and cities mentioned, by whatever names, called.</p>
Penalties for violation.	<p>Section 13. No gates, doors, windows or other openings shall connect any dispensary with any adjacent house or lot or with any stairs leading to an upper room so as to permit ingress or egress into and out of such house or lot or stairs from and into the dispensary.</p>
Meaning of term "Legislative Body."	<p>Section 14. The board of mayor and aldermen or other legislative body of any city or town where a dispensary is being operated shall provide the dispenser with necessary assistants and help to carry on the business upon request in writing from the dispenser and not otherwise, and provided further that said assists shall appear necessary and indispensable to the conduct and management of the dispensary. And</p>
Dispensary not to be connected with other house by doors, etc.	
Assistants to dispenser; how provided and salary.	

provided further that no assistant or employee in said dispensary shall receive a greater salary than fifty dollars (\$50.00) per month, which shall be paid as the salary of the dispenser is paid. All persons employed in and about said dispensary shall be esteemed in the neighborhood where they live as honest, industrious, intelligent and sober men. No person shall be employed in and around said dispensary who is not over twenty-one years of age. All employees shall execute bond in such sums as may be prescribed by the board of mayor and aldermen, payable to the city or town where located with some reliable guarantee company as surety, if such suretyship can be obtained, but if such suretyship cannot be had, then said bonds shall have at least three good and sufficient sureties whom reside in Colbert county. Said bonds shall be approved by the mayor or other executive officer of said city or town and shall be conditioned for the faithful performance of duty.

Age of employees.

Bond.

Section 15. The dispenser for each dispensary shall make a full and complete settlement on the first day of each month, with the board of mayor and aldermen where his dispensary is located, by making a statement under oath and in writing of the amount of goods on hand, the expenses incurred during the preceding month, and the amount of money on hand and shall pay the money over to the treasurer of said city or town, taking his receipt therefor. And the said city treasurer shall keep said dispensary funds separate from all other funds, and the board of mayor and aldermen shall issue warrants against said fund for the payment of all expenses of running the dispensary for the preceding month upon proper vouchers. And said city treasurer shall keep a separate account of all moneys received from said source and paid out by him in a book kept for that exclusive purpose.

Monthly settlements by dispensers.

Duty of City Treasurer.

Section 16. The dispenser shall keep a book which shall be well bound, in which he shall enter and keep an account of all purchases made

Record of purchases and sales kept by dispensers.

for the use of said dispensary, together with the cost thereof, and all sales made, together with the profit on each sale.

Financial condition to be published.

Section 17. It shall be the duty of the board of mayor and aldermen every six months during the operation of a dispensary in their city or town, to publish a statement in some newspaper published in Colbert county, showing clearly the financial condition of the said dispensary.

Exempt from county and city license.

Section 18. No license shall be collected for the operation of the dispensary established under the provisions of this act, either by the county or by the cities or towns where operated.

Repeal.

Section 19. All laws and parts of laws, general and special, which conflict with the provisions of this act, be and the same are hereby repealed.

Approved Feb. 15, 1907.

No. 43.)

AN ACT.

(H. 83.

To confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein.

Jurisdiction of misdemeanors.

Section 1. Be it enacted by the Legislature of Alabama, that the county court of Choctaw county shall have jurisdiction of all misdemeanors committed in said county.

Prosecutions instituted.

Section 2. That prosecutions may be instituted or commenced in said county court as now provided by law in county courts to be hereafter subject to the provisions of this act.

Circuit Judge to make order requiring transfer of cases.

Section 3. That at the next spring term, 1907, of the circuit court of said county, it shall be the duty of the presiding judge thereof upon the day of adjournment of said court to make an order upon the minutes of said court, directing and requiring the clerk of said circuit court to deliver to the judge of said county court, all indictments then pending and untried in said circuit court against persons charged with the commission of misdemeanors, except for violations of the rev-

enue and prohibition laws, together with all papers and a certified copy of all docket entries and minutes of proceedings had in the said circuit court, and upon the transfer and delivery of the same, the jurisdiction of said circuit court shall cease, and exclusive jurisdiction thereof shall vest in said county court.

Section 4. That all indictments for misdemeanors that may hereafter be preferred by the grand juries of said county, except for violations of the revenue and prohibition laws, must be returned by the clerk of the circuit court to the judge of the county court, and be by the clerk of the circuit court, as ex-officio clerk of the county court, filed in said county court. Process must be issued by said clerk on the said indictments and prosecutions commenced by affidavits, and all proceedings had in such cases as is now had in the circuit courts, except as may be modified herein, provided that the clerk of the circuit court shall be ex-officio clerk of the said county court.

Indictments for misdemeanors returned to county court; exception.
Process issued.
Circuit Clerk ex-officio clerk.

Section 5. That there shall be two jury terms each year held by said court, the fourth Mondays in January and July, respectively, to continue not longer than one week at each term; which said terms shall be known as jury terms of said court; and when any person charged with any offense triable by said court demands a jury trial, he shall be tried at the next jury term of said court; but should he fail to demand a trial by jury, the court shall make an entry thereof on the record and shall proceed to hear and determine the case; and it is further provided that unless a jury is demanded by the defendant at the first term of the county court, at which the defendant is present, he shall be deemed to have waived a trial by jury.

Jury terms.
Demand for jury trial.
Failure to demand jury trial.
Jury trial; when waived.

Section 6. That the jury commissioners of said county at the regular term held in each year, shall draw from the jury box provided by law for the circuit court of said county, the names of fifteen jurors for the January term next of said county court and fifteen jurors for the July term

Jurors; how drawn.

of said county court to serve as jurors in said county court for the next succeeding year, and deliver the names of the said jurors, with the term for which they are drawn to the clerk of the county court of said county, who shall issue notice to each of said jurors and place the same in the hands of the sheriff of said county at least fifteen days before each term of said county court for which they shall have been drawn, respectively, and it shall be the duty of said sheriff to promptly execute said notices; provided, that if there are no cases to be tried by a jury, the clerk of said court shall not issue the notice as provided in this section.

Special jury.

Section 7. That if at any jury term of said court, for any reason or cause whatever, the jury hereinbefore provided for shall not have been summoned for said term, or in case there shall be no legal jury for said term, and also, when, in the opinion of the judge of the said court, a second jury is needed to dispatch the business of said court, it shall be the duty of said judge to order the sheriff of said county to summon instant, twelve qualified jurors of said county, and the persons so summoned shall constitute a legal jury for said term.

Jurors summoned to complete jury.

Section 8. That should the number of jurors be reduced to less than twelve by challenge or other cause, it shall be the duty of the judge of said court to order the sheriff to summon instant, a sufficient number of qualified jurors to complete said jury.

Appeals to Supreme Court.

Section 9. That all appeals from said county court shall be to the supreme court of the State of Alabama, and the laws now in force or that may hereafter be enacted, governing or applying to appeals for misdemeanors from the circuit court, shall apply to appeals from said county court.

Appeals from Justice Courts.

Section 10. That all appeals by defendants from trials in criminal cases for misdemeanors from justices of the peace or notaries public with

powers of justices of the peace, shall be taken to the next jury term of the county court.

Section 11. That the solicitor of the circuit in which said county of Choctaw is, or may hereafter be, shall be the prosecuting officer before the said county court, and all laws applying to his duties as such officer in the circuit court shall apply to said county court, and that the solicitor's fees in said county court shall be the same as in the circuit court; provided, however, that the said circuit solicitor shall appoint a permanent deputy solicitor, who shall be governed by the same laws applicable to circuit solicitors, and receive the same fees and commissions, and such deputy solicitor may collect and retain for his services the fees and commissions earned in the county court during the year, not to exceed nine hundred dollars per annum and the residue of such commissions and fees must be paid into the county treasury to the credit of the general fund of said county, but such deputy solicitor shall not take any defences in any criminal causes in said county.

Duty of Circuit Solicitor.

Deputy Solicitor; how appointed.

Fees of

Section 12. That the fees of the judge of said county court shall be the same as is now or may hereafter be provided for judges of county courts of this State, and the fees of the clerk of said county court shall be the same as now or may hereafter be allowed to the clerks of the circuit courts; that the fees of the sheriff shall be the same as is now or may hereafter be allowed in the circuit court of the State; that the witnesses' fees shall be the same as is now or may hereafter be allowed in the circuit court of the State; that the fees of jurors shall be the same as is now or may hereafter be allowed in the circuit court of the State; all fees payable as they are now payable by the law in the circuit courts.

Fees of Judge; Clerk, Sheriff and witnesses.

Section 13. That if the judge of said county court be incompetent to try any cause pending in said county court, the clerk thereof shall appoint a special judge to act in his stead.

Special Judge.

- Effect.** Section 14. That the provisions of this act shall take effect immediately upon its passage.
- Repeal.** Section 15. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.
- Approved Feb. 13, 1907.

No. 45.)

AN ACT.

(H. 206.)

To repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14, 1898, and to provide for the retransfer of pending causes from said county court to the circuit court of said county, and the enforcement of judgments already rendered in said county court.

Act repealed. Section 1. Be it enacted by the Legislature of Alabama, that an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14, 1898, be, and the same is hereby, repealed.

Indictments transferred. Section 2. That all indictments for misdemeanors heretofore transferred from the circuit court of said county and now pending in said county court, are hereby transferred back to said circuit court, and it is hereby made the duty of the judge of said county court to deliver to the clerk of said circuit court all such indictments and all bail bonds taken therein, and said causes shall proceed to final determination in said circuit court in all respects as if no transfer had been made in the first instance.

Duty of Judge.

Judgments; how enforced. Section 3. That all judgments heretofore rendered by said county court in causes transferred from said circuit court shall be enforced in and by said county court in all respects as though said act had not been repealed.

Approved Feb. 15, 1907.

No. 46.)

AN ACT.

(H. 86.)

To authorize and require the commissioners' court of Clark county, Alabama, to set apart and appropriate money from the general funds of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments and fixing the amount of said witness fees.

Section 1. Be it enacted by the Legislature of Alabama, that it shall be the duty of the court of county commissioners of Clark county, Alabama, to set apart and appropriate from the general funds of said county an amount not less than eight hundred dollars and not to exceed twelve hundred and fifty dollars at each of the regular terms of said court held in January and August of each year with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county.

Duty of Co. Commissioners to appropriate money. Amount and purposes of same.

Section 2. That State witnesses in attendance before the grand jury of said county shall be entitled to a certificate from the foreman of the grand jury for the sum of one dollar per diem, for attendance and three cents per mile traveling each way, while attending court; and the State witnesses in attendance upon the circuit court shall be entitled to a certificate of attendance and for mileage in like sum and at the same rate as provided for witnesses before the grand jury in this section, to be signed by the clerk of the court; and the foreman of the grand jury and clerk of the circuit court shall state in the face of the certificates so issued to such witnesses the number of days allowed such witnesses, and the numebr of miles travelled.

Witnesses entitled to certificate; amount of fees for attendance.

County Treasurer to pay same.

Section 3. That it shall be the duty of the county treasurer of said county on presentation of these or any of the certificates provided for in the above section (section two of this act) to pay the same without further endorsement from the sum set apart as above provided for and to cancel the same, keeping a record of the amount of the same, which certificates after being so paid, shall be vouchers for the said treasurer in his settlement, provided that said certificates shall be presented for payment within six months after the issuance of the same, or on failure shall be forever barred.

Charged as costs if defendant convicted.

Section 4. That in cases in which the defendant is convicted, the amount of the certificates issued as above provided for shall be charged as costs against said defendant and collected as other costs and shall be paid into the treasury of said county, and as a supplemental fund to that provided for in section one of this act.

Duty of Clerk to certify amounts to County Treasurer.

Section 5. That within thirty days after the adjournment of the regular term, or any special or adjourned term of the circuit court of said county, it shall be the duty of the clerk of the said court to certify to the county treasurer the amounts of certificates issued to witnesses before the grand jury and State witnesses in the circuit court. In each case where the State has secured a conviction, and where said witnesses' fees are collected, it shall be the duty of the clerk to pay the same over to the county treasurer when collected.

Balance; how disposed of.

Section 6. That if there remains any balance of said appropriation so set apart, at the end of each year, for which it was appropriated, after the payment of the claims above provided for by this act, the said balance shall be included in the amount to be set aside by the said court of county commissioners for the payment of said witnesses' fees for the next ensuing year.

Section 7. That should the commissioners' court of said county for any reason fail to make the appropriation required in section one of this act, at the time required, the probate judge of said county is hereby required to call the court to meet on a day fixed, after giving the notice required by law for special terms of said court, when they shall proceed to set apart and make said appropriation.

Failure of
Commission-
ers to make
appropria-
tion.
Special term
re-called.

Section 8. That the outstanding claims against the fine and forfeiture fund of said county, and the payment thereof, shall be in no wise affected by this act.

Outstanding
claims not
affected.

Section 9. That all laws, general or special, in conflict with this act, be and the same are hereby repealed.

Repeal.

Approved Feb. 15, 1907.

No. 51.)

AN ACT.

(H. 321.

To prohibit the sale, barter, exchange or other disposition of spirituous, vinous, or malt liquors, or intoxicating beverages, tonics, or decoctions, within the limits of Faunsdale Precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm or corporation to sell, barter, exchange or otherwise dispose of spirituous, vinous or malt liquors or intoxicating beverages, tonics or decoctions within the limits of Faunsdale Precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

Sale pro-
hibited.

Section 2. That any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars, and must also be imprisoned in the

Penalty for
violation.

county jail or sentenced to hard labor for the county for not more than six months.

Repeal. Section 3. That all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby, repealed.

Approved Feb. 23, 1907.

No. 52.)

AN ACT.

(H. 433.)

To authorize the court of county commissioners of Marion county to order the county treasurer of said county to pay the outstanding warrants of said county given for the repairs on the jail of said county, out of the general fund of said county and to further authorize said court to use at any time any balance that may be in the general fund at the end of any year for any public improvement in said county, and to authorize the county treasurer to honor warrants drawn for said purposes.

Warrants for repairs on jail to be paid.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Marion county, Alabama, be, and is hereby, authorized to order the county treasurer of said county to pay the outstanding warrants of said county, given for the repairs on the jail of said county, out of the general fund of the county.

May use balance in general fund for same.

Section 2. That said court of county commissioners is hereby authorized to use at any time any balance that may be in the general fund at the end of any year for any public improvement in said county.

Section 3. That the county treasurer of said county is hereby authorized and required to honor warrants drawn for said purposes as set out in this act.

Section 4. That all laws and parts of laws in conflict with the provisions of this act, be, and are hereby, repealed.

Approved Feb. 26, 1907.

No. 53.)

AN ACT.

(H. B. 49.)

To provide for holding the circuit court in St. Clair county, Alabama; to divide said county into two judicial divisions to regulate the said court and the jurisdiction of and the proceedings in and relating to the same.

Section 1. Be it enacted by the Legislature of Time and Alabama, That the circuit court for the county of places of hold-
St. Clair shall be held in each year as follows: ing court.
At Ashville in the court house of said county on the sixteenth Monday after the third Monday in January and July, and at each term may continue two weeks; at Pell City in the court house erected by the county commissioners of said county on the eighteenth Monday after the third Monday in January and July and at each term may continue two weeks; provided, that special or adjourned terms of the circuit court of St. Clair county may be held either at Ashville or Pell City in said county, when notice of the holding of such special or adjourned term is given by law.

Section 2. That said county shall be divided County divid-
into two judicial divisions as follows: Precincts ed in the ju-
Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 18 and 22 shall dicial divi-
constitute and be known as the northern judicial sions.
division; and precincts Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 shall constitute and be known as the southern judicial division; and in both of said divisions the civil and criminal business of said court shall be taken up and disposed of in the manner prescribed by law.

Section 3. That the clerk of the circuit court of St. Clair county shall keep his office as now provided by law at Ashville, but he shall attend the sit- Circuit Clerk to keep
tings of said court for both the northern and branch office
southern divisions, and the said clerk is authoriz- at Pell City;
ed and required to open a branch office at Pell duties as to
City and to appoint a deputy clerk to conduct the same.
same, and the said clerk or his deputy so appointed shall keep at Pell City all of the records, dockets and papers pertaining to cases which are to be

heard and determined in the southern judicial division of said county. The said deputy so appointed, shall in the name of such clerk have and exercise all the powers now or hereafter vested in the clerks of the circuit courts of this State, and the clerk of the circuit court shall be liable on his official bond for all the acts, defaults and omissions of such deputy.

Sheriff to keep branch office at Pell City; duties as to same.

Section 4. That the sheriff of St. Clair county shall keep his office as now provided by law at Ashville, but he shall attend the sitting of the said court both for the northern and southern divisions, and the said sheriff is authorized and required to open a branch office at Pell City, and to appoint a deputy sheriff to conduct the same, and the said sheriff or his deputy so appointed shall keep at Pell City all of the records, dockets and papers, which by law the sheriff is required to keep and which pertain to cases which are to be heard and determined in the southern judicial division of said county. The said deputy so appointed shall in the name of such sheriff have and exercise all the powers now or hereafter vested in the sheriffs of this State, and the sheriff shall be liable on his official bond for all the acts, defaults, and omissions of such deputy.

Where cause heard.

Section 5. That all civil actions which arise in, or where there is a single defendant who resides in, that portion of St. Clair county constituting the northern judicial division shall be cognizable heard and determined at, by and in the circuit court of St. Clair county when sitting at Ashville, and that all civil actions which arise in or where there is a single defendant who resides in that portion of St. Clair county constituting the southern judicial division shall be cognizable heard and determined at, by and in the circuit court of St. Clair county when sitting at Pell City, but if there are two or more defendants residing in different divisions suit may be brought in either division; that all actions against non-residents of said county may be brought in either division of said court; that all defendants in

criminal cases in said county shall be indicted and tried in the judicial division where the offense with which they are charged was committed.

Section 6. That all appeals to the circuit court shall be returnable to that division of said court wherein the justice of the peace or notary public with like jurisdiction, who tried the same, resides, and the notice of the appeal shall specify to what division of said court the same is returnable. Appeals to Circuit Court, where returnable.

Section 7. That any person indicted or bound over to answer any criminal offense, if denied bail, or if unable to give bail for his appearance, shall be confined in the jail situated in the judicial division in which the offense with which he is charged was committed. Prisoners; where kept.

Section 8. That all summons or process issued in suits brought or pending in the division of the court to be held at Ashville, shall be returnable to the court at Ashville, and it shall be so designated in said summons or process, and in like manner all summons or process issued in suits brought or pending in the division of the court to be held at Pell City shall be returnable to the court at Pell City, and it shall be so designated in said summons or process. Summons or process where returnable.

Section 9. That all civil suits and proceedings now pending in the circuit court of St. Clair county which would after the passage of this act be required to be brought in the southern judicial division of St. Clair county, may be transferred by consent of all parties or by order of the court, to the said southern judicial division as constituted by this act, and there disposed of in the same manner and with like effect as if the same had been instituted therein. Transfer of cases provided for.

Section 10. That all sales of land made by the sheriff of St. Clair county shall be made in front of the court house door of that judicial division where the land is situated, and if such land is situated partly in both divisions, then such sale shall be made in front of the court house door Sales of land.

Grand and
petit jurors.

of that judicial division from which the execution or order of sale was issued.

Section 11. That both grand and petit jurors shall be drawn and summoned to serve in both divisions of said court in the same manner and by the same authority that grand and petit jurors are now summoned to serve in the circuit court of St. Clair county, but the time and place of the service of such jurors shall be designated by the officers drawing and summoning them.

Stationery and
supplies pro-
vided for.

Section 12. That the commissioners' court of St. Clair county shall provide suitable stationery and supplies, and make all other suitable and proper provision for the holding of the circuit court of said county, and for the confinement of prisoners as provided by this act.

Approved Feb. 23, 1907.

No. 55.)

AN ACT.

(H. 500.)

To ratify and confirm the acts and contracts of the court of county commissioners of Lee county, or other authorized agents of said county in borrowing money for the use and benefit of said county, and to ratify and confirm the warrants given on said contracts for money so borrowed.

Acts ratified.

Section 1. Be it enacted by the Legislature of Alabama, That all acts and contracts of the court of county commissioners of Lee county, Alabama, or other authorized agents of said county heretofore made, in borrowing money for the use and benefit of said county, are hereby ratified, confirmed and made valid, and the county warrants given on said contracts for money so borrowed are hereby ratified, confirmed, declared to be valid, and made valid.

Approved Feb. 1, 1907.

No. 56.)

AN ACT.

(H. 150.)

To amend an act to amend section 909 of the code of 1896, approved February 28, 1903, so far as the same relates to the times of holding the circuit court in Marion county, Alabama.

Section 1. *Be it enacted by the Legislature of Alabama.* That sub division 3 of an act to amend section 909 of the code of 1896, approved February 28, 1903, be amended to read as follows: Time of holding court; Marion County.

3. "In the county of Marion on the third Monday in February and August, and may continue two weeks; provided, That when the presiding judge of said circuit court at the close of any term of said circuit court, is of the opinion that the business of the next succeeding term may be disposed of in one week, it shall be his duty to make an order on the minutes of said court that at the next succeeding term thereof the criminal docket will be taken up on Wednesday of the first week, and that the clerk need not summon the petit jury for said second week. Judges duty.

Sec. 2. That the grand and petit jurors drawn for the spring and fall terms of said court for 1907, shall be used at the times provided for in this act, provided that the provisions of this act shall not be in effect until on and after June 1, 1907. Grand and petit jurors.

Approved Feb. 21, 1907.

No. 57.)

AN ACT.

(H. 165.)

For the relief of J. D. Crow, an indigent and aged confederate soldier.

Section 1. *Be it enacted by the Legislature of Alabama,* That there shall be appropriated out of the treasury of Alabama, not otherwise appropriated, for the relief of J. D. Crow, an indigent and aged confederate soldier, a citizen of Mor- Amount appropriated.

gan county, Alabama, the sum of fifty-two dollars and sixty-five cents (\$52.65) for the years 1903 and 1904, as pension.

Approved Feb. 21, 1907.

No. 58.)

AN ACT.

(H. 402.

To provide for two janitors for the court house of Montgomery county.

Janitors for
court house.

Salary.

Section 1. Be it enacted by the Legislature of Alabama, That the sheriff of Montgomery county is hereby authorized to employ two janitors for the court house of said Montgomery county at a salary not to exceed thirty dollars (\$30.00) per month for each janitor and that the said salary is to be paid out of the treasury of said Montgomery county.

Approved Feb. 21, 1907.

No. 59.)

AN ACT.

(H. 419.

To abolish the fine and forfeiture fund of Tuscaloosa county and to provide for the payment of all outstanding valid claims against the said fund.

Fine and
forfeiture fund
abolished.

Remaining
funds trans-
ferred.

Fines, etc.,
placed in gen-
eral fund.

Section 1. Be it enacted by the Legislature of Alabama, That the fine and forfeiture fund of Tuscaloosa county be and the same is hereby abolished and that all funds on deposit with the treasurer of Tuscaloosa county to the credit of the fine and forfeiture fund be upon the passage of this act transferred to the credit of the general fund of said county, and that all fines and forfeitures collected in the circuit and county courts of said county and all proceeds of the hire of all county convicts of Tuscaloosa county and all other funds that are now directed by law to be

collected and paid to the county treasurer to the credit of the fine and forfeiture fund be collected and paid to said treasurer to the credit of the general fund of said county.

Section 2. Be it further enacted, That all valid ^{Claims paid} claims now outstanding against the fine and for- ^{out of general} ^{fund.} forfeiture fund of said county shall be valid claims against the general fund of said county and must be paid by the county treasurer out of the general fund when properly registered and proven, as now required by law for such claims against the fine and forfeiture fund; provided, however, that said treasurer shall not pay any such claim except upon the presentation and surrender of the certificate outstanding for same.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with the pro- ^{Repeal.} visions of this act be and the same are hereby repealed in so far as they apply to Tuscaloosa county.

Approved Feb. 21, 1907.

No. 60.) AN ACT. (H. 386.

To repeal an act entitled an act to incorporate the Leisure Hour Club of Birmingham, Ala.,
Approved February 23d, 1899.

Section 1. Be it enacted by the Legislature of ^{Act repealed.} Alabama, That an act entitled an act to incorporate the Leisure Hour Club of Birmingham, Ala., approved February 23d, 1899, be, and the same is, hereby repealed.

Approved Feb. 21, 1907.

No. 61.) AN ACT. (H. 99.

To repeal an act, to empower and require the county commissioners of Cullman county to

make appropriations out of the general funds, to the fine and forfeiture fund of said county, approved September 29th, 1903.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act to empower and require the county commissioners of Cullman county to make appropriations out of general funds, to the fine and forfeiture funds of said county, approved September 29th, 1903, be and the same is hereby repealed.

Approved Feb. 21, 1907.

No. 62.)

AN ACT.

(H. 157.)

To regulate the compensation of persons serving or summoned as grand or petit jurors in Mobile county.

Pay of jurors.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, all persons serving as regular jurors, both grand and petit, in Mobile county, are entitled to receive for their services each as follows: Where the juror resides three miles or more from the court house of said county he shall be entitled to two dollars for each day's service, and five cents for each mile travelled in going to and returning from the court, such mileage to be computed by the nearest route travelled, and to include ferriage actually paid, but such mileage and ferriage shall be allowed only once for going and once for returning from court. And where such jurors reside less than three miles from the court house, they shall be entitled to one dollar for each day's service and nothing more; provided that where the juror resides three miles or more from the court house but is daily employed or engaged in business in the city of Mobile, he shall only be entitled to one dollar for each day's service and nothing more.

Section 2. That all persons summoned as special jurors in capital cases, where they reside three miles or more from the court house, shall be entitled to the same per diem, mileage and ferriage as are jurors, whether said persons are taken or accepted as jurors or not; provided, if such person is daily employed or engaged in business in the city of Mobile, he shall not be entitled to any compensation for attendance unless he is accepted on the jury. Pay of special jurors.

Section 3. The clerk of the court shall give to all persons a certificate showing the number of days served, and whether the person be entitled to mileage and ferriage, and the number of miles travelled and the amount of ferriage paid, and the amount of compensation to which he is entitled shall be paid on said certificate out of the county treasury, but no certificate shall be issued for more than one dollar for each day's service, unless the person claiming an amount exceeding such sum shall make oath before said clerk that he resides three miles or more from the court house and is not daily employed or engaged in business in the city of Mobile. Clerk to give certificate as to mileage and attendance.

Section 4. All talesmen summoned as jurors in said county, shall be entitled to the compensation herein above set out, and be governed by the same rules in respect to their claim thereto. Talesmen summoned as jurors.

Section 5. All laws and parts of laws, whether general, special or local, contrary to the provisions of this act, or in any wise conflicting therewith, are hereby expressly repealed. Repeal.

Approved Feb. 23, 1907.

No. 34.

AN ACT.

(H. 622.)

To provide a road law for the county of Marengo and to enforce the same.

Section 1. Be it enacted by the Legislature of Alabama, That the road year shall begin on the Road year.

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- first day of January in each year, and shall end on the thirty-first day of December in each year.
- Road Board.** Section 2. That John B. Wilson, W. C. McKnight, W. K. Chapman, George F. Nichols and Walter W. Barr are hereby nominated and appointed, and shall be constituted, the board of road commissioners for the county of Marengo, hereinafter referred to as the "Road Board."
- Oath.** Section 3. That the members of the said road board, immediately after the approval of this act, shall each take and subscribe before the judge of probate of Marengo county the usual oath of office for the faithful discharge of the official duties of the office of road commissioners for Marengo county. That the members of said road board herein named, shall hold office until their successors are elected at the general election for State officers in 1910; and a like road board shall be elected at the said State election for State officers in the year 1910, and every four years thereafter; provided, that one member of said road board shall be elected from each of the county commissioner's districts of Marengo county, and one member from Linden precinct, and the electors of said Linden precinct shall vote, in primary and general elections, for the Linden precinct member only.
- Term of office.**
- How re-elected.**
- Duty of Road Board.** Section 4. That it shall be the duty of said road board in addition to the other duties required by them by law: (a) Hold a meeting of said road board at the court house in Linden within thirty days after the approval of this act and divide the roads of Marengo county into convenient sections, and at said meeting must appoint one superintendent of public roads for each election precinct in the county, who shall be not less than twenty-one nor more than forty-five years old. Said appointment shall hold good, and said superintendent shall serve until the first regular meeting of said road board which said regular meeting of said road board shall be held on the second Monday in November, 1907. (b) That the regular meeting of said road board, after the

special meeting above provided for for the appointment of superintendents, shall be held at the court house at Linden on the second Monday in November, 1907, and on said Monday in said month at said place in every second year thereafter. (c) That said road board shall hold other business meetings of said road board at the said court house at least four times in each year, or as often as necessary, the days and dates of such business sessions shall be fixed by said road board and entered upon the minutes of the said road board. (d) That at the first meeting of said road board it shall elect a member thereof for president and a member thereof for clerk of said road board, who shall hold office during their respective terms of office; and in case of vacancy for any cause in either office, the said road board shall elect successors who shall hold for the unexpired terms. (e) That it shall be the duty of said road board to procure a docket and minute book, and it shall require the clerk of said road board to enter upon said docket each and every matter coming before said road board for action and to enter upon said minutes book the disposition of each matter so docketed and disposed of. (f) That the said road board is authorized to buy stationery as may be necessary for the use of said road board for which warrants shall be drawn on the road funds of said county. (g) That the said road board, at the special meeting herein provided for, at the meeting held on the second Monday in November, 1907, and at such meeting every second year thereafter, shall designate a justice of the peace, or a judge of an inferior court established in lieu of justices of the peace in such precinct, in each election precinct, who shall receive the amounts fixed by said road board as commutation for work upon the public roads, and shall discharge such other duties as may be put upon such justices of the peace, or judge of such inferior court, by the provisions of this act. (h) That said road board shall audit all accounts and claims against the road fund

of said county and of the officers charged with the collection and disbursement of said road fund, and shall draw warrants on said road fund for all claims allowed by them, the said warrants to be drawn and signed by the said clerk of said board and countersigned by the president of said road board. (j) That the said road board shall have a road book upon which shall be entered the road precincts, the names of superintendents, the date of the issuance of a commission to each, and the date of the execution thereof by the sheriff. And the clerk of said road board shall issue and sign all commissions to road officers. (k) If a vacancy occurs in the said road board, the members of said road board shall elect from the county commissioners' district of Marengo county in which the vacancy occurred, by a majority vote, a successor to fill out the unexpired term.

Vacancy; how filled.

Board to prescribe manner of working roads.

May contract for labor, etc.

County convicts may be worked.

Road tax or bond money to be used.

Section 5. That said road board may prescribe the manner in which the roads of the county shall be worked, and make such rules and regulations governing the working of same as they may deem best, and are authorized and empowered whenever they may deem it necessary to employ superintendents of roads for the county, general or special, and at their discretion, to contract for labor, buy mules, horses, road machines, implements and tools for the purpose of working the public roads of the county, and to buy for the use on said public roads, gravel, sand, chert, clay, lumber and tiles, and to work the county convicts upon the public roads of the county under such contract and provisions as said road board may make with the court of county commissioners of Marengo county, and to make and enforce all necessary rules and regulations for the working of said convicts on the public roads of the county

Section 6. That said board is authorized to use in addition to the revenues herein provided, such sums of money as may be derived from a road tax and the proceeds of any road bonds which may be issued by Marengo county for the

purpose of working and improving the public roads of the county.

Section 7. That said road board is authorized and empowered, whenever in its opinion it is necessary or advisable, to employ a competent superintendent to survey and superintend the working and improvement of the public roads of Marengo county.

May employ
superintendent.

Section 8. That it shall be the duty of the clerk of said road board to furnish the grand juries of Marengo county with a list and memorandum of all violators and violations of this act and the general road laws which shall come to the knowledge of said road board, together with a list of the witnesses. That in all cases of misdemeanors provided in this act and general road laws, when satisfactory proof is made of their commission, it is the duty of any grand jury to which report is made to find a true bill without the exercise of discretion in such case, and the judges shall give provisions of this act in special charge to all grand juries.

Duty of Clerk
of Board.

Grand jury to
find true bill.
Act given in
special charge
to grand juries.

Section 9. The road commissioners are entitled to three dollars per diem for each day of actual service rendered and five cents per mile for travelling to and from the sittings of the road board to be paid out of the road fund of Marengo county, by the treasurer of Marengo county on warrants properly drawn by said road board.

Pay of Road
Commission-
ers.

Section 10. That the sheriff of Marengo county must within thirty days after the delivery to him of notices of appointment of superintendents, and the designated justices of the peace, or judge of any court established in lieu thereof, deliver a copy of each order of appointment to said superintendents, justices of the peace, or judge, in person if practicable, otherwise to leave the same at their usual places of business or residence, and return the original with his endorsements of service thereon, to the office whence it issued, and failing therein is guilty of a misdemeanor, and upon conviction, must be fined not less than ten nor more than one hundred dollars.

Sheriff's duty.

Penalty for
failure.

Road Superintendent to make list of road hands.

Penalty for failure.

Road Superintendent's duties to inspect and report condition of road.

Attend Grand Juries and make report.

Penalty for failure.

General duties of road superintendents.

Section 11. That it is the duty of each of the road superintendents, in addition to the other duties required of them by law, within thirty days after notice of appointment is served on him, and on or before the first day of February of each year thereafter, to make out a new and correct list of road hands in his precinct, and he shall send a copy of such list of hands to the road board, and failing herein, is guilty of a misdemeanor and upon conviction must be fined not less than ten dollars.

Section 12. That it is the duty of each superintendent of roads to inspect the public roads in his precinct from time to time and to report in person or in writing to the road board in February and October of each year the condition of the public roads in his precinct and make such suggestions for the improvement and betterment of the same as he may deem best, and shall discharge all other duties imposed by law, and failing therein, is guilty of a misdemeanor. And it is the duty of each superintendent of roads to attend the meetings of the grand juries of the spring and fall terms of the circuit court, or the grand juries of the Marengo law and equity court, and report under oath, administered by the foreman of such grand jury, the conditions of the public roads in his precinct, and answer all questions concerning the same, and as to whether he has worked the hands the number of days and within the time prescribed by law; and failing to attend and answer or to discharge any other duty imposed on him by law, is guilty of a misdemeanor, and must at once be indicted therefor by the grand jury, and upon conviction, be fined not less than ten dollars; provided, that if a general superintendent of roads for the county be at any time appointed by the road board, he shall perform the duties required in this section.

Section 13. That it shall be the duty of superintendents of roads, in addition to the other duties now imposed by law: (a) To call out all

hands subject to road duty on his section and assign to him at such times and places as he deems best, and shall work them for the full term of ten days in each year. And the superintendent may call out the whole number of road hands and detail them in convenient squads to work under a leader appointed by him, when and where he may decide, taking care, however, that each hand renders the same number of days' service in the course of the year. (b) To put four days work at least, (of the ten required) on the roads before the fifteenth day of April, and the remaining six days work before the first day of September, at the discretion of the superintendent, and failing herein is guilty of a misdemeanor, and upon report of same to the grand jury, the grand jury shall at once return an indictment against such defaulting superintendent. (c) The superintendent must procure the necessary teams, wagons and plows and tools from those living on or along his road section for use on the same by exempting two hands for a single plow and team, and three hands for a double plow and team, and four hands for a two-horse wagon and team, each per day; and if the said teams, wagons, plows and tools cannot be obtained and procured by exempting as aforesaid, then the superintendent may contract for the services of the same at the rate of not more than one dollar per day for single plow and team, and one dollar and fifty cents for double plow and team, and two dollars per day for a wagon and team. Provided, that superintendents may be selected by said road board to fill any number of teams as superintendent of roads, upon the expiration of their terms of service they shall be subject to road duty; provided, further, the road board may discharge any superintendent at any time, when in his opinion the service demands it.

Section 14. That upon the presentation of a Claims for claim by any person for service of a plow or wagon and teams rendered to a road superintendent and the same being certified by the superintendent, ^{services; how paid.}

ent as correct and that he was unable to procure them by exempting hands, and sworn to by the claimant before an officer authorized to administer oaths, or the clerk of the road board, it shall be laid before the road board, and if found to be just and correct, it shall be paid out of the road fund.

May assign work.

Section 15. That the superintendent may assign general or special work on the road sections to one or more hands, and may also make arrangements with the occupants of the lands along the sections to ditch the roads, or build causeways along or upon said sections, and shall compensate them by a reasonable allowance of exemption from road duties.

Arrange with owner of land for ditches, etc.

Approaches to bridges.

Section 16. That when public bridges are built by contract and the floors of the same do not exceed three feet from the level of the ground at their abutments, superintendents are required to have thrown up approaches thereto, and if need be, put a substantial causeway thereon so that the public may cross with ease and safety.

Compensation of superintendents.

Section 17. That the road board in their discretion, may fix a compensation for superintendents for faithful services rendered, not exceeding two dollars per day for days of actual service, but such compensation shall not be paid until and unless he make affidavit that each hand subject to road duty in his precinct has worked the full number of days upon the public roads as prescribed by law, or has been reported for prosecution for failing to do so, or has been excused in accordance with law.

Opening of ditches.

Section 18. That the superintendent must open such ditches across the lands adjacent to the roads that are necessary to regulate the natural flow of water to or from said roads if the land owner consent thereto, but if such owner do not consent thereto, then the road board may cause proceedings to be instituted to open such ditches in accordance with the general law for the condemnation of lands to public uses.

Section 19. That the superintendent shall cut all timbers for causeways of uniform length, not less than ten feet, and must cover the same well with dirt, and failing so to cover said causeways, is guilty of a misdemeanor. ^{Timber for causeway.}

Section 20. All male persons are liable to road duty upon the public roads of Marengo county and to the provisions of this act except such persons as are exempt from road duties under the general laws of the State, and are required to work ten days upon the public roads of said county during each road year; provided, that it shall be no exemption from road duty that a person resides within an incorporated town or city and is required to work upon the streets thereof; and provided further, that any person liable to road duty under the general law of the State and this act may perform their ten days' work upon said public roads of Marengo county by paying each year such sum of not less than five nor more than ten dollars as may be fixed by the road board to the justices of the peace or judge of an inferior court in lieu of justices of the peace in his precinct designated by the road board to receive the same, which said sum shall be paid at or before the time such person is warned for the first time during any year to work said road; and provided further, that all male persons residing in Marengo county between the ages of eighteen and sixty years of age, shall be liable to road duties as herein required; and if any person is apportioned and warned to work on two or more roads, he must report to the superintendent and work upon that road to which he was first warned, and any person liable to road duty who shall fail or refuse to discharge his duty under provisions of this act, is guilty of a misdemeanor, and shall be prosecuted and punished as provided in section 21 of this act. ^{Persons liable to road duty.} ^{No. of days to work.} ^{When warned for two or more roads}

Section 21. That the superintendent may excuse defaulters only upon their showing good excuses under oath to be administered by him within five days after defaulting, and the superin- ^{Defaulter may be excused.}

Defaulters not excused.

How pro-

ceeded against.

Excuse; effect of.

Failure to perform work assigned.

When hand discharged; use of insulting language prohibited.

Penalty.

Notice given road hands.

tendent must return on oath after the expiration of ten days a list of all the defaulters, who have not been excused, and those guilty of any violation of this act, to a justice of the peace or an inferior court having jurisdiction of a justice of the peace, who must proceed against such defaulters under section 5392 of the Code of Alabama of 1896, or its substitute in succeeding Codes.

Section 22. That when any road hand makes default he may come before the superintendent within five days, unless disabled from so doing, and then as soon thereafter as possible, with his excuse as provided in section 21 of this act, and the superintendent may excuse him so far as not to return him as a defaulter as required by said section 21 of this act; but no road hand shall for any excuse whatever, escape the duty required of him in working the public roads, the number of days prescribed by law, and when in default, and not returned as required by said section 21 of this act, he may discharge the duty imposed upon him of working the public roads by doing any reasonable amount of work assigned him by the superintendent, and any such hand failing to promptly and satisfactorily do the work assigned to him by such superintendent shall be forthwith returned as a defaulter by such superintendent as provided in section 21 of this act.

Section 23. That if any hand is properly discharged by the superintendent for failing to properly discharge his duties under section 2481 of the Code of Alabama, and such hand uses opprobrious, indecent, or insulting language to the superintendent on account of such discharge, such hand shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty dollars.

Section 24. That the superintendent must in person or by notice in writing left at the residence of the road hand give two days' notice to all persons liable to work on his road, to meet at such time and place and with such tools as the su-

perintendent may direct. Any employer of hands who are subject to road duty who interferes with the superintendent in the execution of such notices, or shall advise or cause such hands to not meet the superintendent according to the notice, is guilty of a misdemeanor and on conviction, shall be fined not less than ten dollars for each offense.

Section 25. That if any justice of the peace, or any judge of an inferior court in lieu of a justice of the peace, shall fail, or refuse to perform the duties imposed upon him by the provisions of this act, he shall be liable as for a failure to perform an official duty. That it shall be the duty of justices of the peace, or judges of any court in lieu of justices of the peace designated under the provisions of this act, to receive the amount fixed by the road board when tendered by any person liable to road duty in his precinct, and to give such person a certificate of exemption from road duty for such year, except for the opening of new roads, and shall within ten days after the collection pay over the same to the county treasurer to the credit of the road fund. And the said justice of the peace or judge is hereby authorized to retain for his services out of the money so received by him twenty-five cents for each certificate of exemption issued by him; and each of the officers appointed and designated under this act, shall make quarterly reports in writing under oath to the county treasurer of all the amounts received by him under this act and from whom received.

Failure of Justice of Peace or Judge to perform duty.

Duty of same to receive money and give certificate of exemption.

Compensation for services.

Reports.

Section 26. That it shall be the duty of the justices of the peace and of all judges of inferior courts established in lieu of justices of the peace, to report to the road board all cases prosecuted before them under the provisions of this act; and said report must show what disposition was made of each case together with an itemized statement of the fines and costs thereof, and they must pay over to the county treasurer for the road fund of the county all fines collected in the prosecution.

Cases prosecuted; report on.

Contents of.

Fines collected; how paid over.

Penalty for
violation of
Sec. 26.

tion of road defaulters before them; and these said reports shall be made by them at the same time that justices of the peace are required by law to make reports to the grand juries.

Section 27. That any officer charged with the duties designated and put upon them by section 26 of this act, who fails or refuses, and any justice of the peace or officer of like jurisdiction, who fails or refuses to issue a warrant of arrest for each road defaulter returned before him, and any constable or other person performing the duties of a constable, who refuses or fails to promptly execute such warrant, is guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars.

Duty of
County Treas-
urer.

Section 28. It is the duty of the treasurer of Marengo county, Alabama: (a) To receive and keep separate the road revenues of said county. (b) To pay out of the road fund of said county all just claims on the presentation of warrants therefor drawn by the road board in accordance with the provisions of this act. (c) To keep in a well bound book a separate register of all warrants drawn on the road fund of the county and the amounts received, the source and date of all receipts of said road fund. (d) To note on the register and on the warrants, the date of presentation for payment and to number the warrants in the order of their presentation. (e) To pay all warrants in the order of their registration. (f) To submit to the road board at the first term of said road board in each road year, the register of claims, and his accounts of the road fund balanced with vouchers for all payments; and estimate of the indebtedness of the road fund for the coming year, and his suggestions for providing for the same. And the said county treasurer for these services faithfully performed shall receive such compensation out of the road fund of the county as may be allowed by the road board, but in no case exceeding five per cent of the money paid out by him, not in any event ex-

ceeding the aggregate sum of five hundred dollars in any one road year.

Section 29. That section bosses or masters or any railroad lines who fail to keep the roads crossing over said railroads at the place of such crossing, and on either side of said railroad as far out as the case may require in such condition that vehicles may at all times pass over said crossings with ease and comfort and safety, are guilty of a misdemeanor and upon conviction must be fined not less than ten dollars.

Duty of section bosses on railroads.

Penalty.

Section 30. That it shall be the duty of the road board to prepare and have printed suitable forms of commutation certificates with appropriate blanks for name and year for which paid, date of payment and before the first day of January in each year, to furnish to the designated justices of the peace and judges, blank certificates countersigned by the clerk of the said road board, sufficient for the probable wants of their respective precincts, taking their receipts for the same. Each blank certificate for such road fee shall have a stub attached thereto on which shall be printed the number of such certificate and appropriate blank spaces to be filled in by the justices of the peace or judge shown by whom paid and when and for what year.

Blanks, etc., prepared and furnished by Road Board.

Section 31. Upon the payment to him by any person on such road commutation fee as such person may offer to pay, the designated justice of the peace or judge shall before detaching said certificate from the stub, fill up the blank spaces in the stub to correspond in all respects with the certificate as given to the person paying the same, and sign his name to the certificate.

Stub to be filled out.

Section 32. The designated justices of the peace and judges, shall on or before the first day of January in each year return to the road board all unused certificates and stubs so delivered.

Stubs and certificates to be accounted for.

ered to him or account to the road board for all such unused certificates and stubs, and shall also return to the said road board the stubs of all certificates issued by him.

Laws not affected.

Section 33. That all laws of a general or special character in harmony with the provisions of this act shall be and are unaffected by the provisions of this act, but all laws of a general or special nature in conflict with any of the provisions of this act are hereby repealed; provided, that the road apportioners and road overseers provided for and mentioned in any general or special law, shall be construed and taken to mean superintendents of roads.

Laws repealed.

Apportioners, etc., same as road superintendents.

Approved, February 26th, 1907.

No. 66.)

AN ACT.

(S. 116.

To amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899.

Section 2 amended.

Section 1. Be it enacted by the Legislature of Alabama, That section two (2), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows:

Oath of office.

Section 2. Be it further enacted, That before said judge of said inferior criminal court shall enter upon the discharge of the duties of his office, he shall qualify by taking the oath of office prescribed by the constitution.

Sec. 3 amended.

Section 2. Be it enacted by the Legislature of Alabama, That section three (3), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amend-

ed so as to read as follows: Section 3. Be it further enacted, That the judge of the said inferior criminal court shall reside in the county of Mobile, and shall hold his office in the city of Mobile, in a building or court room to be provided and furnished by the board of revenue and road commissioners of Mobile county, with suitable furniture, fuel, books, dockets, telephones, Alabama Reports, type-writers, seal and stationery necessary for the proper administration of the said inferior criminal court.

Residence of Judge.

Where court held.

Board of Revenue to provide furniture and supplies.

Section 3. Be it enacted by the Legislature of Alabama, That section five (5), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows: Section 5. Be it further enacted, That said judge of said inferior criminal court shall have power to punish for contempt of court by fine not to exceed ten dollars, and by imprisonment not to exceed twenty-four hours, one or both. The said court herein provided for shall be a court of record with a seal, and the judge or clerk shall have the authority to certify the record and proceedings of said court. The judge of said court shall have authority to perform marriage ceremonies, such as is now possessed by justices of the peace. From any judgment of this court defendants shall have the right to appeal to the city court of Mobile under the same regulations and requirements as now govern appeals from courts of justices of the peace to the said city court of Mobile; and the bond furnished in such cases shall be governed by the same law as now regulate appeals from the courts of justices of the peace. In case the judge of said inferior criminal court, by reason of sickness or otherwise, is incapacitated to hold court, he shall have authority to appoint or designate some competent person to act as judge of said court until the judge herein provided for shall be able to return to duty, and the clerk of the inferior court, under the direction of the judge of said court,

Sec. 5 amend.

Contempt of court; power of Judge.

Court of record.

Judge may perform marriage ceremony.

Appeals.

Bond.

Special Judge.

Oath of
Judge pro
tem.

Compensa-
tion.

How paid.

Certificate as
to sickness
filed by Judge.

Sec. 6 amend-
ed.

Clerk; how
appointed.

Duties.

shall enter the appointment or designation of such competent person to act as judge of said court upon the records of said inferior criminal court, and a record entry shall be made by the clerk of said court when the regular judge returns to his duty. The judge pro tem so appointed or designated, before entering upon the duties of his office, shall qualify by taking oath of office prescribed by the constitution, and the said judge pro-tem shall then have and exercise all the powers and authorities herein conferred upon the judge of said inferior criminal court. Such judge pro tem shall receive as compensation for his services during the time the regular judge of said court is incapacitated by law, sickness or other act of Providence, the sum of ten dollars per day for each day he is actually engaged in holding such court, to be paid out of the treasury of Mobile county upon a certificate issued by the clerk of said inferior criminal court, setting forth the number of days that the judge pro-tem was actually engaged in holding court, which amount paid to the judge pro-tem, in case of sickness of the regular judge, shall be deducted from the salary of said judge unless he shall, upon his recovery, file with the treasurer of Mobile county an affidavit of some reputable physician that he was during such sickness, physically unable to discharge his duties as judge of said court.

Section 4. Be it enacted by the Legislature of Alabama, That section six (6), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows: Section 6. Be it further enacted, That said judge of said inferior criminal court shall appoint some competent person to act as clerk of his said court. The duty of said clerk shall be to keep a record of all the proceedings of the said court; he shall keep in a book to be furnished by the board of revenue and road commissioners of Mobile county a properly arranged docket of all cases tried in said court and all ex-

aminations had therein, which docket shall set forth the nature of the case, the date of the issue and the return of all processes, and a statement of the judgment rendered in the case sufficient to clearly show what was done in the case, together with an itemized copy of the bill of costs, and by whom paid. The said clerk shall have the authority to issue warrants sworn out in said court, and to take and certify the affidavit of the prosecutor. He shall attend upon the duties of said court at such hours as are designated by the judge thereof, and shall perform such other clerical duties as may be prescribed by the judge of said court. Said clerk, before entering upon the performance of the duties of his office, shall furnish to the probate judge of Mobile county a bond with sufficient sureties, in the sum of two thousand dollars, to be conditioned and approved in the same manner as is the bond of the clerk of the city court of Mobile, and said bond can be given in any solvent guarantee and indemnity company. The term of office of said clerk shall be for the period of one year, unless sooner removed by the judge of said court, which can be done by an order of removal or discharge entered upon the records of said court. For all the services rendered in the said court the said clerk shall receive an annual salary of eighteen hundred dollars, payable monthly from the county treasury of Mobile county, and he shall receive no fees whatever. It shall be the duty of said clerk to assess and collect in each criminal case all the costs, fines and fees provided for under the laws of Alabama for justices of the peace, and such monies so collected shall by him be paid into the treasury of Mobile county. The said clerk shall have the authority to swear witnesses at the trial of all criminal cases in said court, and to administer oaths and take affidavits in all cases in which the authority to administer such oaths or take such affidavits is not confined to same other officer. The said clerk shall have the authority to appoint deputies, with full

Authority.

Bond.

Term of office.

Salary.

Duties as to fines and fees.

Authority to swear witnesses, etc.

Deputies.

power to transact all business of such clerk, such deputy first taking an oath to support the constitution and laws of the State, and faithfully to discharge the duties of deputy clerk of the said inferior criminal court.

Sec. 7. amended.

Section 5. Be it enacted by the Legislature of Alabama, That section seven (7), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows: Section 7. Be it further enacted, That the forms authorized by law to be used by justices of the peace or judges of the county court in like proceedings, or other substantially the same may be used by said judge or clerk of said inferior criminal court.

Forms used.

Sec. 8 amended.

Section 6. Be it enacted by the Legislature of Alabama, That section eight (8), of an act entitled an act to establish an inferior criminal court, approved February 23d, 1899, be and the same is hereby amended so as to read as follows:

Costs taxed and collected.

Section 8. Be it further enacted, That the same costs shall be taxed and collected in the said inferior criminal court, and in the same manner as is provided by sections 4574, 4575, 4576, and 4577 of the Code, and when the prosecution

Frivolous prosecution; how costs taxed.

is frivolous or malicious the said judge may charge the prosecutor with the costs, whenever the defendant be acquitted or discharged, for which costs said prosecutor may confess judgment with good and sufficient surety, and failing so to do, or to pay the costs presently, must be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding ten days. The person who makes affidavit to have the warrant issued shall be deemed and held to be the prosecutor.

Prosecutor; who is.

Sec. 9 amended.

Section 7. Be it enacted by the Legislature of Alabama, That section nine (9), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows: Section 9. Be it further enacted

ed, That it shall be the duty of the said clerk of the said inferior criminal court to report and pay into the county treasury on Monday of each week the amount of fines, forfeitures, penalties and costs collected by him since the date of his last report.

Section 8. Be it further enacted by the Legislature of Alabama, That section ten (10), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows: Section 10. Be it further enacted, That witnesses in cases before said judge of the said inferior criminal court shall be entitled to the same fees, to be taxed and collected in the same manner, as is provided in like cases before justices of the peace, provided that said witnesses shall demand of said clerk in advance of the trial that said fees be taxed and collected for their benefit.

Clerk to pay over fines, etc., collected.

Sec. 10 amended.

Fees of witnesses; how taxed, etc.

Section 9. Be it enacted by the Legislature of Alabama, That section thirteen (13), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows: Section 13. Be it further enacted, That the compensation of said judge of said inferior criminal court shall be thirty-six hundred dollars per annum, payable monthly out of the county treasury.

Sec. 13 amended.

Salary of Judge.

Section 10. Be it enacted by the Legislature of Alabama, That section fourteen (14), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23d, 1899, be and the same is hereby amended so as to read as follows: Section 14. Be it further enacted, That the said judge or clerk of said inferior criminal court shall address processes of whatever nature or kind to the sheriff of Mobile county, who shall either himself or by deputy execute the same. When required by the said judge, the sheriff shall furnish a bailiff for said inferior criminal court. The sheriff shall receive

Sec. 14 amended.

Process addressed to sheriff of county.

Bailiff.

Salary of
sheriff.

no fees, but as compensation for the service required of him, and for furnishing the bailiff, he shall receive eighteen hundred dollars per annum, to be paid monthly out of the county treasury.

Approved, this 21st day of February, 1907.

No. 70.)

AN ACT.

(H. 499.

To authorize the county of Lee to borrow money not exceeding the current revenue of said county for any one year in the discretion of the court of county commissioners of said county.

County au-
thorized to
borrow money.

Section 1. Be it enacted by the Legislature of Alabama, That the commissioners' court of Lee county is hereby authorized to borrow money upon the credit of said county not exceeding the current revenues of said county for any one year, and all contracts for money so borrowed shall be evidenced in such form as said commissioners' court may direct; provided that no loan contracted under this act shall run longer than three years.

Length of time
of loan.

Approved, this 21st day of February, 1907.

No. 71.)

AN ACT.

(H. 387.

To repeal an act entitled "An act to confirm the incorporation of the Shakespeare Club of Birmingham, Ala., and change the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club, approved February 18, 1891.

Act repealed.

Be it enacted by the Legislature of Alabama :
Section 1. That an act entitled "An act to confirm the incorporation of the Shakespeare Club of Birmingham, Ala., and to change the name of

said club to the Alabama Club, and to enlarge the powers and capacities of said club," approved February 18, 1891, be and the same is hereby repealed.

Approved, this 21st day of February, 1907.

No. 72.)

AN ACT.

(H. 263.

To provide for holding regular, special and adjourned terms of the commissioners' court of St. Clair county at Pell City, to declare the powers and jurisdiction of said court holden at said place, to regulate its proceedings and to provide for its records, fixtures, and supplies and the keeping thereof.

Section 1. Be it enacted by the Legislature of Alabama, That four regular sessions of the commissioners' court of St. Clair county shall be held ^{Sessions of} at Pell City. ^{court at Pell}
each year at Pell City in said county, as follows: ^{Time for hold-}
On the fourth Wednesday in February and August, ^{ing same.} and on the fourth Wednesday in May and in November, and at each term may continue until the business before the court is disposed of.

Section 2. That special, called or adjourned ^{Special or} terms of said court as authorized by law may be ^{called terms} held in Pell City in said county, provided that it ^{of court.} shall be stated in the order or call for such special or called session where the same is to be held.

Section 3. That the commissioners' court of St. Clair county when holding its sessions at Pell City shall have power and authority to transact ^{Jurisdiction of} all business for said county arising in precincts ^{court at Pell} numbers 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, ^{City.} and 21 in said county, and to hear and determine all matters and things arising in said precincts, and properly cognizable by said commissioners' court, in the same manner, and to the same extent that business is now transacted and disposed of in the courts of county commissioners' of this State.

Supplies, etc.,
to be furnished.

Section 4. That the commissioners' court of St. Clair county shall provide proper books and papers, fixtures and supplies for keeping the records and proceedings of said court when held at Pell City, and all such records and proceedings, and all papers pertaining thereto shall be kept at Pell City, and at all reasonable times shall be kept open and free for public inspection as now provided by law in such cases.

Duty of Probate Judge as to appointment of clerk.

Section 5. That it shall be the duty of the probate judge of said county to appoint and maintain a clerk at Pell City who shall, in the absence of the probate judge, have charge and control of said records, and the person so appointed may perform ministerial acts pertaining to said court of county commissioners in the same manner and to the same extent as such judge could do in person, and for the acts of such clerk the probate judge of said county shall be liable on his official bond.

Approved, this 21st day of February, 1907.

No. 73.

AN ACT.

(H. 382.)

To repeal an act entitled an act to incorporate the Jackson Club, approved February 23d, 1899.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to incorporate the Jackson Club, approved February 23d, 1899, be, and the same is, hereby repealed.

Approved, this 21st day of February, 1907.

No. 74.)

AN ACT.

(H. 262.)

To provide for the holding of regular terms of the county court of St. Clair county at Ashville, the county seat, and at Pell City in

said county, and to define the jurisdiction of said court holden at each of said places, and to regulate the said court and proceedings in relating to the same.

Section 1. Be it enacted by the Legislature of Alabama, That regular terms of the county court of St. Clair county shall be held at Ashville in said county, on the second Tuesday in each month in each year for the trial of misdemeanors over which said court has jurisdiction, and at Pell City in the building to be provided by the court of county commissioners of said county on the fourth Tuesday in each month of each and every year for the trial of misdemeanors over which said county court has jurisdiction, and may continue at each term until the business shall be disposed of.

Terms of
county court;
when and
where held.

Section 2. That said county court when in session at Pell City shall have and exercise all the jurisdiction and powers conferred by law on the county court of St. Clair county as to all misdemeanors committed in precincts numbers 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21, as now situated and laid off in said county; and the said county court when sitting at Ashville shall have jurisdiction over all misdemeanors committed in the remaining portions of said county not embraced in the precincts hereinbefore named.

Jurisdiction of
court at Pell
City.

At Ashville.

Section 3. That said court to be holden at each of said places shall be open at the discretion of the judge thereof, every day except Sunday, for the disposition of cases in which defendants desire to interpose pleas of guilty to charges pending against them in said court, and for the trial of all defendants in said court who are confined in jail unable to give bond for their appearance to answer charges therein.

When court
open.

Section 4. That said county court to be holden at each of said places shall be presided over by the judge of the probate court of St. Clair county, who shall be, by law, ex-officio judge of said county court.

Presiding
Judge; who
is.

Time of holding court may be changed.

Section 5. That the times of holding said county court at each of said places may be changed, by the judge thereof for good cause to be judged by him, and when such change is made, he shall give notice of the same for ten days in a newspaper published in said county, and if no newspaper is published in the county, then by posting such notice at the court house door of the county at Ashville, when the time is changed for the holding of the court at Ashville, and by posting such notice at the door of the building wherein the court is to be held, when the time is changed for the holding of the court at Pell City, but the failure to give such notice shall not affect the validity of the judgment or sentence of the court held at the time appointed by said judge.

Manner of changing same.

Warrants; where returnable.

Section 6. That when application is made to the judge of the county court to issue a warrant of arrest against any person or persons for a misdemeanor committed within the territorial jurisdiction of the said county court to be holden at either of said places respectively, the warrant issued by the county judge shall be made returnable to the court having jurisdiction over the territory wherein the offense is charged to have been committed, and that in like manner warrants of arrest issued by justices of the peace on affidavit, to bring a charge of misdemeanor before the county court shall be made returnable into the county court to be holden for the territory wherein the offense was committed, whether at Ashville or Pell City.

Where prisoners confined.

Section 7. That all persons held to answer a charge of misdemeanor in said court to be holden either at Ashville or Pell City, and who do not give bond for their appearance, shall be confined in the jail situated within the territory in which the offense is charged to have been committed.

Section 8. That all process issuing from said court holden at either of said places shall be made returnable to the court at the place where issued.

Section 9. That when a defendant in said court whether holden at Ashville or Pell City, ^{Trial by jury.} shall demand a trial by jury it shall be the duty of the judge to require him to enter into bond with good sureties in such sum as the ^{Bond.} judge shall deem sufficient, conditioned for his appearance at the next term of the circuit court of said county, to be holden at Ashville or Pell City, according as the case shall be pending in the county court holden at Ashville or Pell City, and it shall be the duty of the judge to return such bond, if given, to the clerk of the court before which the accused is required by it to appear, and if the accused fail to give such bond he must be committed to the jail within the territory over which the ^{Failure to give bond.} court wherein the case is pending has jurisdiction, until the next term of the circuit court of the county having jurisdiction over the offense, unless he elects in the meantime to perform hard labor for the county as required by law.

Section 10. That in all cases of conviction in ^{Appeals to circuit court.} the said county court whether held at Ashville or Pell City, the defendant shall have the right of appeal to the circuit court of the county, to be holden at Ashville or Pell City, according as the case is pending in the county court at Ashville or Pell City, upon entering into bond with two ^{Bond.} or more sureties to appear at the term of the circuit court to which the appeal is taken, and from term to term until discharged. The bond to be in such penalty as the judge of the county court may prescribe and to be approved by him.

Section 11. That when an offense is committed on the boundary of the two territorial jurisdictions, or within a quarter of a mile thereof, ^{When offense committed at or near boundary line.} or when it is committed so near the boundary thereof as to render it doubtful in which jurisdiction the offense was committed, the court to be holden either at Ashville or Pell City shall have jurisdiction of such offense.

Approved, this 21st day of February, 1907.

No. 75.)

AN ACT.

(H. 74.)

To regulate the costs in criminal cases in the circuit court of Bibb county, Alabama, in the county court of said county, and in or before the grand jury of said county; and to provide for the payment of same.

Be it enacted by the Legislature of Alabama :

Fees of witnesses.

Section 1. That from and after the passage of this act, witnesses summoned and attending on behalf of the State, in all criminal cases, in the circuit court of Bibb county, in the county court of Bibb county, and in or before the grand jury of said county, shall be allowed seventy-five cents per day; also three cents for each mile to and from their residence by the usual traveled route; but if a witness attends in more than one case in the same day, he shall be entitled to compensation in one case only.

Certificates given witnesses.

Section 2. That after the trial or continuance of the case for the term, or the discharge of the witness by the court, or the grand jury, the clerk of the court or foreman of the grand jury, shall issue to the witness a certificate stating the number of days he has attended, the case in which he has attended, the number of miles traveled, and the total amount due him; but no certificate shall be issued except on the personal application of the witness. When the grand jury is discharged, or within three days thereafter, the foreman shall furnish the clerk of the circuit court of said county a certified list of all certificates issued by him, showing to whom issued, the date thereof, and the amount due each witness.

Duty of foreman of Grand Jury to Circuit Clerk, list of certificates.

Circuit Clerk to enter certificates in a book.

Section 3. That within six days after the adjournment of the court for the term, the clerk of the circuit court shall enter in a book, which he shall keep for that purpose, a certified list of all the certificates issued by him and the foreman of the grand jury, or either of them, during the term, showing to whom issued, the date thereof, the case in which he attended, the number and

the amount due the witness. For making the said list the clerk of the court shall receive two Fees for same.
 (2) cents for each certificate so entered and certified in said book to be paid by the county. Upon the completion of the said list, the said book shall be delivered immediately to the county treasurer to be kept by him.

Section 4. That it is hereby made the duty of County Treasurer to pay same. the county treasurer of said county to pay each of said certificates on its presentation by the owner thereof, and to take up and cancel each certificate immediately after payment thereof, and also to make it paid and enter date of payment of each certificate in said book. For paying, canceling and marking the certificate paid in said book, Fees of Treasurer. the said treasurer of the county shall receive two (2) cents for each certificate, to be paid by the county. The said county treasurer is hereby authorized and directed before each term of said circuit court or said county court, to retain out of the general fund of said county an amount sufficient to pay said certificates herein provided for. When certificates barred. If any certificate herein provided for is not presented for payment and paid within six months after the same is issued it shall be barred and shall not thereafter be paid as herein provided or otherwise.

Section 5. That whenever the costs in any criminal case in said courts are imposed on the defendant or prosecutor or foreman of the grand jury, the fees of the witnesses for the State shall be taxed as costs against him and be collected with other costs taxed against him, as now provided by law; and when the said witness fees are so collected, they shall be paid by the officer collecting the same to the county treasurer of said county within five days after the collection of said certificates. When costs imposed on defendant; how taxed; collected and paid over.

Section 6. That all funds now in the hands of the county treasurer of said county to the credit of the fine and forfeiture fund of said county and all funds which may now or hereafter accrue to the said fine and forfeiture fund shall be dis- Fine and forfeiture fund used to pay claims.

Duty of
Treasurer
when claims
paid.

After pay-
ment of claims
funds placed
to credit of
general fund.

Duty of Treas-
urer before
claims paid. .

Provisions of
section to be
published in
newspaper.

Fees of clerk
and sheriff
when convic-
tion not had.

bursed by him in payment of the outstanding registered claims against said fund, which are legal charges against said fund, in the order of the registration thereof until the said claims are each paid. And when each of the said claims are paid, as prescribed in this section, it shall be the duty of the treasurer of said county to transfer any and all funds then in his hands or to the credit of said fine and forfeiture fund, and also all funds that may thereafter accrue to said fund, to the general fund of said county. And after the payment of the said claims, all funds thereafter arising or accruing which would have been paid into the said fine and forfeiture fund had this act not been passed, shall be paid to the said county treasurer to the credit of the general fund of said county.

Section 7. That after the passage and approval of this act, the said treasurer of Bibb county, Alabama, shall not pay any certificate or claim, the payment of which is provided for in section 6 of this act, until the said claim is endorsed by him "presented for payment" and also showing the date presented, which endorsement shall be signed by the said treasurer on the date the said claim is presented for payment, and of the said claims which are not presented to the said treasurer and endorsed by him as herein prescribed on or before the 1st day of January, 1908, shall be forever barred. But the said county treasurer shall give notice of the provisions and requirements of this section by publication in some newspaper published in Bibb county for two successive weeks immediately after the passage and approval of this act, and then the said notice shall be given again as herein prescribed for two successive weeks during the month of September, 1907. And the county shall pay for the said notices.

Section 8. That the fees of the circuit clerk and the sheriff of said county, in cases where the State failed to convict or where a dismissal or a

nolle prosequi is entered, or where an indictment is withdrawn and filed, shall be the fees now allowed by law.

Section 9. That the fees accruing to the sheriff and the clerk or provided for by section 7 of this act, shall be paid out of the general fund of said county, when audited and allowed by the court of county commissioners or board of revenue of said county, out of the money to the credit of said fund not otherwise expended.

Fees of sheriff and clerk under Sec. 7.

Section 10. That all fines and forfeitures accruing in said county may be paid in cash or in registered claims against the fine and forfeiture fund of said county, which are now or may hereafter become legal charges against the said fine and forfeiture fund, except in those cases where the fine is required by law to be paid in cash.

Fines and forfeitures; how paid.

Section 11. That all certificates of witnesses for the State in cases where the defendant has escaped or has not been arrested, if not already barred, shall be presented to the said county treasurer and paid by him as herein prescribed. And all certificates now issued, which hereafter would become claims against the fine and forfeiture of said county had it not been for this act, shall be paid by the said county treasurer as the same accrues.

Certificates of witnesses.

Section 12. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Repeal.

Approved, February 20, 1907.

No. 76.)

AN ACT.

(H. 584.

To further further provide for jurors for the trial of causes other than capital causes in the criminal court of Jefferson county, or other courts, exercising criminal jurisdiction in said county.

Additional
jurors provid-
ed for.

Section 1. Be it enacted by the Legislature of Alabama as follows: That when either judge of the criminal court of Jefferson county, or of any court exercising criminal jurisdiction in said county, is of the opinion that the business of the court requires it, he may draw from the jury box, as required by law, the names of a sufficient number of persons to constitute not exceeding two panels of twelve jurors each in addition to those now authorized by law in cases other than capital.

Jurors; how
summoned, em-
paneled and
sworn.

Section 2. That the clerk shall issue an order to the sheriff to summon said jurors so drawn to appear on the day designated, and said additional jurors shall be summoned, empaneled and sworn in the same manner as the regular jurors in said court and any vacancies or deficiencies therein shall be filled by the summoning of talesmen in the same manner as now provided by law for the filling of other panels in said court in cases other than capital cases.

Vacancies.

Juries or-
ganized.

Section 3. That from the persons so summoned and appearing the court may organize either one or two additional juries, in its discretion, which jury, or juries, together with the two regular juries shall constitute the venire for the trial of all cases set during the week.

Ineffective
in capital
cases.

Section 4. That the jurors herein provided for shall not be drawn for any week in which capital cases are set for trial, nor shall the provisions of this act apply to or in any wise affect the drawing, summoning or empaneling of juries for the trial of capital cases.

Repeal.

Section 5. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Effect.

Section 6. That this act shall become operative and go into effect immediately upon its passage.

Approved, February 21, 1907.

No. 77.)

AN ACT.

(H. 385.)

To repeal the charter of the Shakespeare Club of
Birmingham, Ala.

Be it enacted by the Legislature of Alabama :

Section 1. That the charter of the Shakespeare Club of Birmingham, Ala., be and the same is, hereby repealed.

Approved, February 21, 1907.

No. 78.)

AN ACT.

(H. 364.)

To amend sections thirteen (13) and nineteen
(19) of an act entitled an act "To declare
the powers and jurisdiction of the city court
of Gadsden," approved February 27th, 1901.

Section 1. Be it enacted by the Legislature of Alabama, That section thirteen (13) of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, approved February 27th, 1901, be, and the same is, hereby amended to read as follows: Section 13. That in all civil cases at law in said court the issue and question of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant or claimant within thirty days after the perfection of the service, the plaintiff to endorse such demand on the summons and complaint, attachment or other process, or paper filed by him for the purpose of instituting suit, or by filing written demand for a jury with the clerk of the court at the commencement of the suit, and the defendant to file with the clerk of the court a written demand for such jury within thirty days after perfection of the service upon him; provided, that when a cause is transferred to the said city court, the demand

Sec. 13 amended.

Civil cases;

when trial by jury.

for a jury shall be made at the time of the application for said transfer, in writing, and filed in the cause at the time of the application. In all civil causes brought by appeal or certiorari from the judgment of justices of the peace or other inferior courts, in which the amount in the controversy exceeds \$20.00 the issues and questions of fact shall be tried by the court without a jury as in cases where the amount in controversy exceeds \$20.00, unless a demand for a trial by jury be made in writing, and filed in the cause by the party taking the appeal within ten days after he takes the same, or by the opposite party within ten days after he has been served with notice of the appeal; and a failure to demand a jury as above directed shall be deemed and held a waiver of the right of trial by jury. Neither party who demands a trial by jury shall have the right to withdraw such demand without the consent of the opposite party; provided further, that when a cause is reversed by the supreme court, either party may demand a jury, whether jury was demanded on the first trial or not, provided that such party make such demands for a jury at the sounding of the case next after the order of reversal is made.

Sec. 19 amended.

Salary of Judge.

How paid.

Section 2. That section nineteen of an act entitled an act "To declare the powers and jurisdiction of the city court of Gadsden," approved February 17th, 1901, be and the same is hereby amended so as to read as follows: Section 19. That the salary of the judge of the city court of Gadsden shall be three thousand dollars per annum, payable monthly on the first day of each month out of the State treasury on warrants drawn by the auditor as now provided by law for the payment of circuit judges and chancellors.

Approved, February 26, 1907.

No. 80.)

AN ACT.

(H. 350.

To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of

spirituous, vinous, or malt liquors, or intoxicating ciders, bitters, or beverages or fruits preserved in alcoholic liquors within precinct number eight, including the incorporation of the towns of Fitzpatrick and Thompson, in Bullock county, Alabama, approved January 29th, 1897.

Be it enacted by the Legislature of Alabama, That the act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating ciders, bitters or beverages or fruits preserved in alcoholic liquors within precinct number eight, including the incorporation of the town of Fitzpatrick and Thompson, in Bullock county, Alabama, approved January 29th, 1897, be and the same is hereby repealed. Act repealed.

Approved, February 21, 1907.

No. 81.) AN ACT. (H. 464.

To amend an act to incorporate a separate school district in Elmore county, to be known as the Tallassee school district, approved February 23d, 1899.

Section 1. Be it enacted by the Legislature of Alabama, That section 3 of an act entitled an act to incorporate a separate school district in Elmore county, to be known as the Tallassee school district, approved February 23d, 1899, be, and the same is hereby amended so as to read as follows: Section 3. That on the first Saturday in July, 1907, and every second year thereafter, the qualified electors of the school district known as the Tallassee school district, located in Elmore county, shall meet at the district public school house, located in Elmore county, and elect from among the house-holders who can read and write, residing in said district, a local board of three Sec. 3 amended.
Trustees; how elected.

Vacancy.

district trustees, who shall hold office two years or until their successors are elected and qualified. If a vacancy occurs in the board the remaining members shall have power to fill said vacancy for the unexpired term.

Approved, February 21, 1907.

No. 82.)

AN ACT.

(H. 383.)

To repeal an act, entitled an act to incorporate the Olivet Club, approved February 18, 1895.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to incorporate the Olivet Club, approved February 18, 1899, be, and the same is, hereby repealed.

Approved, February 21, 1907.

No. 83.)

AN ACT.

(H. 287.)

To repeal an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw, in the State of Alabama, for the purpose of selling spirituous, vinous and malt liquors and wine, and to punish all violations of the provisions of this act.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw, in the State of Alabama, for the purpose of selling spirituous, vinous and malt liquors and wine and to punish all violations of the provisions of this act, approved February 19, 1903, be, and the same is, hereby repealed.

Approved, February 21, 1907.

No. 85.)

AN ACT.

(H. 508.)

To create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office.

Section 1. Be it enacted by the Legislature of Alabama, that there is hereby created the office of assistant solicitor for the county of Montgomery in lieu of the present office of deputy solicitor for said county. Assistant Solicitor created.

Section 2. That immediately after the passage of this act, there shall be appointed by the solicitor for Montgomery county an assistant solicitor for said county in lieu of the present office of deputy solicitor for said county, who shall be learned in law, and a resident of said county, and who shall hold office at the pleasure of the solicitor for Montgomery county. How appointed.

Section 3. That it shall be the duty of said assistant solicitor to perform all duties which heretofore devolved on the deputy solicitor of Montgomery county; to attend each term of the county court of Montgomery county, and to prosecute all criminal cases in said court; and that assistant solicitor shall be authorized, and it shall be his duty, when so requested by the solicitor, to attend each term of the city court of Montgomery and prosecute or aid and assist the solicitor in the prosecution of all cases in said court, and to perform any and all other duties as are now required by law of circuit, county or city solicitors in said county, including attendance upon the session of the grand jury of city court of Montgomery in the place of the solicitor. Duties.

Section 4. That said assistant solicitor shall receive as compensation for his services as such, the sum of eighteen hundred dollars annually to be paid monthly by the county of Montgomery out of the general funds of said county. Salary.

Section 5. That all laws and parts of laws, both general and special, in conflict with this act be, and the same is, hereby repealed.

Approved, February 21, 1907.

No. 86.)

AN ACT.

(H. 397.

To establish a dispensary in and for the town of Thomaston, in the county of Marengo, State of Alabama, and to provide for the conduct and regulation of the same.

Dispensary
re-established.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established in the corporate limits of the town of Thomaston, in the county of Marengo, in this State, a dispensary for the said town of Thomaston, to be conducted and carried on by said town in its corporate capacity, for the buying and selling of spirituous, vinous and malt liquors, subject to the conditions and restrictions in this act contained. The place at which said business is carried on shall be called a dispensary, and said place shall be within the corporate limits of said town. The said town, for the purpose of inaugurating said business shall be and is authorized to invest therein a sum of money not exceeding two thousand dollars. The liquors bought and sold therein shall be of the best and purest quality.

Amount in-
vested.

How business
conducted.

Section 2. Said business shall be conducted by said town of Thomaston through a dispenser, and such other officers and agents as it may appoint or select for that purpose. The office of dispenser for said town is hereby created, and his term of office shall be for one year, and until his successor is elected and qualified. The dispenser and said other officers and agents shall be elected by the legislative body of said town. The first dispenser shall be elected as soon as practicable after this act becomes operative.

Qualification
of officers.

Section 3. Said dispenser and all other officers, agents and persons employed in said dispensary shall be over the age of twenty-one years and shall be esteemed as honest, temperate, law-

abiding and competent to conduct the business for which they are employed, and shall be under the direction and control of the legislative body of said town. The dispenser, under the direction and control of said legislative body, shall manage and carry on said dispensary, and purchase and sell the liquors for the same, and said town of Thomaston shall provide the money it wishes him to use in conducting said business. The liquors shall be purchased and sold for cash only, and the purchase and sale of the same except for cash is hereby prohibited.

Liquors bought
and sold for
cash.

Section 4. Before entering on the duties of his office said dispenser shall make affidavit before an officer authorized to administer oaths that he will obey all the laws of the state of Alabama and the town of Thomaston, relative to the sale, giving away or otherwise disposing of liquors of any kind, and he shall also execute bond in the sum of one thousand five hundred dollars, payable to the town of Thomaston for the honest and faithful discharge of his duties as such dispenser, such bond to be approved by the legislative body of said town. For neglect of duty, incompetency, misfeasance or malfeasance in office, said dispenser may be removed from office, such removal to be made by the legislative body of said town. Whenever a vacancy occurs in said office of dispenser the legislative body of such town shall elect his successor, who shall hold office for the term of one year thereafter and until his successor is elected and qualified.

Affidavit of
dispenser.

Bond.

Removal from
office.

Vacancy; how
filled.

Section 5. The said town of Thomaston shall pay to its dispenser a salary, which shall be fixed by the legislative body of such town before said dispenser is elected. Said salary shall not be less than one hundred dollars per annum nor more than one thousand dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the amount of said salary or that of any of its said officers or agents to depend on the amount of sales that may be made by the dispenser.

Salary of dis-
penser.

Quantity of
liquor sold.

Days on which
dispensary
closed.

Unlawful to
drink on prem-
ises.

Penalty for
violating sec-
tion.

Liquors sold
and kept in
sealed pack-
ages.

Accounts of
sales and pur-
chases.

Reports.

Section 6. The dispenser shall not sell or permit the sale of any liquor of any kind in any quantity less than one-half pint, and said dispensary shall not be opened on any day before sunrise, and shall be closed each day before sunset, and shall remain closed on Sundays, election days, and on the days before election days, and while so closed no person shall be permitted therein, and no sales shall be made therein or thereby.

Section 7. Said dispenser shall not drink, consume or give away liquor of any kind or in any quantity on the premises on which said dispensary is located. Said dispenser shall not permit or suffer any person to drink, consume or give away any liquor of any kind on said premises, but this section shall not be construed so as to prohibit the dispenser or some employee designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury any person who violates any of the provisions of this section.

Section 8. Any person who consumes any liquor on said premises except as permitted in section seven of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifteen nor more than fifty dollars.

Section 9. Said dispenser shall not sell or permit to be sold any spirituous, vinous or malt liquors, or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive or keep any broken packages in said dispensary. If any original packages should be broken the contents shall at once be bottled and the bottles sealed.

Section 10. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make the legislative body of the town of Thomaston weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the

business, in writing or orally, or both, whenever and as often as said legislative body or any member of said body shall require, and pay to the said town the funds received by him from the sale of liquors as may be required by the rules or regulations adopted by said town to be by said town appropriated and paid out as hereinafter provided. Subject to the provisions of this act the legislative body of the town of Thomaston shall regulate and control the management of said business.

Section 11. That the net profits of said dispensary shall be appropriated and paid out by the legislative body of said town as follows: Fifty per cent of such net profits of said dispensary shall be appropriated and paid to the Thomaston Graded School in the town of Thomaston and the remaining fifty per cent of such net profits shall be paid into the treasury of the town of Thomaston for the use and benefit of the said town, and the legislative body of said town shall appropriate and pay out of such net profits as herein provided, quarterly or four times a year.

Net profits;
how appropriated.

Section 12. No spirituous, vinous or malt liquors, or intoxicating liquors of any kind, shall be sold in said town of Thomaston except as herein provided, and any person who violates this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars.

Unlawful to
sell otherwise.

Section 13. The term legislative body where it appears in this act is intended to include the law-making body of the town of Thomaston, whether the same be called the mayor and council of Thomaston, the intendant and council of the town of Thomaston, or the mayor and town council of Thomaston, or by whatever name it may be called.

"Legislative
body," meaning of.

Section 14. No doors, gates, windows or other openings with any adjacent houses so as to permit ingress and egress into and out of such house from and into said dispensary, shall be allowed.

Doors, etc., not
allowed.

Section 15. All laws and parts of laws in conflict with the provisions of this act are repealed.

Effect.

Section 16. This act shall go into effect within thirty days after the approval of the same.

License.

Section 17. For the dispensary operated under the provisions of this law the town of Thomaston shall annually pay into the treasury of the state of Alabama as a license tax, the same amount as was paid by the dispensary of the town of Thomaston during the year 1906, or such license tax as may hereafter be required by law to be paid by dispensaries in this state.

Removal of officers.

Section 18. The officers and agents engaged in said dispensary may be removed or dismissed at the will of the legislative body of said town except said dispenser who may be removed by said legislative body for neglect of duty, incompetency, misfeasance or malfeasance in office of which said legislative body shall be the sole judge.

Approved, February 26th, 1907.

No. 87.)

AN ACT.

(H. 340.

To amend sections four (4), twelve (12), thirteen (13), fourteen (14), twenty-one (21), and thirty-one (31), of an act to provide for the construction, repairing, working and maintaining the public roads and bridges in Talladega county, approved December 4th, 1900.

Sections amended.

Be it enacted by the Legislature of Alabama that sections 4, 12, 13, 14, 21 and 31 of an act entitled an act to provide for the construction, repairing, working and maintaining the public roads and bridges in Talladega county, approved December 4th, 1900, be and the same are hereby amended so as to read as follows: "Section 4. Be it further enacted, That said superintendent, subject to the orders, and direction of the court of county commissioners, shall have control and supervision of all the public roads of said county, as to the manner of working, repairing and main-

Authority of Superintendent.

taining the same, as to the change of old roads, locating and opening of new roads, and of the execution of any contract that may be made for the working, repairing, opening or changing roads, or of repairing or building bridges, culverts and causeways."

"Section 12. Be it further enacted, That in the appointment of overseers the superintendent is restricted to persons who are subject to road duty under this act, and it shall be the duty of each overseer to make quarterly reports to the superintendent of all work done by him during the quarter, number of days worked by each hand, and the names of all defaulters, and the overseer shall not be paid his per diem until such report is made." ^{Overseers; duties of.} Section 13. Be it further enacted, ^{Persons liable for road duty.} That all male inhabitants of Talladega county, except the inhabitants of cities and towns having an acting municipal organization, between 18 and 45 years of age, and not exempt from road duty under the general laws of this state, shall be required to work upon the public roads of said county six (6) days in each calendar year, provided ^{Days worked.} that the said six days of work may be commuted by the payment to this superintendent, or to the judge of probate on or before the first day of April in each year the sum of five (\$5.00) dollars, but ^{Annual payments.} if not so paid on or before such date the road hand, either in person or by an able bodied substitute, shall perform the full six days labor and in order that roads hands may have opportunity to pay such commutation money, it shall be the duty of the superintendent to attend at some designated place in each precinct on a day prior to the 1st day of April, of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct; provided further, that no overseer shall be authorized to receive commutation money in lieu of road services at any time." ^{Hands called out.} "Section 14. Be it further enacted, That whenever an overseer shall determine that a road needs repairing or

Prosecution.

Excused.

Compensation
of Overseers.Rules and
regulations.

working, or when the superintendent shall so direct he shall call out such hands as have been listed to him as he may deem sufficient in number for, not exceeding two days' work in any one week, and if any hand shall fail or refuse to work or to furnish an able bodied substitute, it shall be the duty of the overseer, after five days' from the warning to work was given, to return each and every hand so failing or refusing, to a justice of the peace in the precinct, or if there be no justice of the peace, then to the nearest justice of the peace in the adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the state. Provided that the overseers, on good excuse, made under oath, which may be administered by the overseer, may excuse defaulters within five days after default, and any person making false oath to the overseer to get excused shall be guilty of perjury and punishable therefor." "Section 21. Be it further enacted, That the overseers of roads appointed under this act shall be paid such compensation as may be determined by the court of county commissioners, to be paid at the end of each quarter upon approval of his report and account by the superintendent, out of the road fund, upon the warrant of the judge of probate. Provided that overseers shall not be paid a per diem for warning hands, but he may appoint a road hand to perform that duty and excuse such hand from a day's work for each day he shall be engaged in warning hands." "Section 31. Be it further enacted, That the court of county commissioners shall have full power and authority to make and establish such rules and regulations, not in conflict with this act, that it may deem necessary for the proper construction, working, repairing and maintaining of the public roads, bridges and culverts of said county, and for requiring of all persons charged with any duty, power or liability under this act, a rigid performance of and accountability therefor, and for this purpose may appoint an auditor to examine into and pass up-

on all claims presented against the road fund, and to fix the compensation of such auditor and provide for its payment out of the road fund, or the general fund, as may be determined."

Approved, February 26th, 1907.

No. 88.)

AN ACT.

(H. 338.)

To provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county of the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Be it enacted by the Legislature of Alabama: . Road laws.

Section 1. This act and the general laws of the state, not in conflict with this act, shall constitute the law for St. Clair county, on the subject of public roads and bridges.

Repeal.
Duty of
County Com-
missioners.

Section 2. That it shall be the duty of the court of county commissioners of St. Clair county, Alabama, to purchase all such horses, mules, live stock, teams, harness, machines, wagons, scrapes, plows, tools, tents implements materials, and any other paraphanelia or things as it may deem necessary in the construction, working or maintenance of the public roads and bridges in St. Clair county, Alabama, and they are hereby authorized to appropriate out of the general funds in the county treasury, from time to time, such amounts as the said court may determine as will not interfere with defraying the necessary and general expenses of the county for the purpose of paying for the same, and also for the erection, equipping, maintenance and repair of said public roads and bridges of said county and for the payment of all just claims against said county for said purpose. And said court may make such provisions for the care of all live stock and other property belonging to the county, used in the working of the roads as it deems fit. And said court may, from time to time, sell any property purchased or used in and about the working of said public roads, and said court shall have the right to employ such hands as may be required or deemed necessary in the working, maintaining and building of the roads and bridges of said county.

Superintend-
ents.

Section 3. The court of county commissioners shall, after the passage of this act, or as soon as practicable, appoint one or more superintendents for said county who shall have control and supervision of all the public roads of such district so set apart to him by the said court of county commissioners, as to the manner of working, repairing and maintaining the same under the direct control and supervision of the said court of county commissioners, and who shall hold his said office for a term of one year.

Oath and bond. Section 4. That said superintendent or superintendents, shall before entering upon the duties of said office, qualify by taking and filing the statutory oath of office and giving bond for the

faithful performance of the duties of said office, payable to St. Clair county in the sum of two thousand dollars with sureties thereon to be approved by the judge of probate of said county, which oath and bond shall be recorded, as other official bonds are required to be recorded in the office of the judge of probate.

Section 5. That the said superintendent or superintendents shall receive a salary, not to exceed one thousand dollars, each, per annum, to be determined by the court of county commissioners before he enters upon the duties of his office, to be paid him monthly, by a warrant to be drawn by the judge of probate, on the special road fund in the county treasury. Said superintendent or superintendents may be removed from office at Removal. county commissioners it is best to do so, at which time his salary shall cease. That if the office of superintendent shall become vacant by death, Vacancy; how filled. resignation, removal or otherwise the commissioners' court at the next regular or called meeting thereafter shall appoint a suitable person to fill the unexpired term.

Section 6. That the duties of the said superintendent or superintendents of public roads in said Duties of county shall be: (1) To have control and supervision of the overseers and public roads of said county and direct the manner of working said roads, subject only to such rules and directions as may have been previously made and given him by the said court of county commissioners of said county. (2) To remove any overseer who shall fail or refuse to perform his duties or comply with any reasonable order or direction of said superintendent and to appoint another in his place, and fill all vacancies in the office of overseer. (3) To work and improve the roads of St. Clair county as he may be directed by the court of county commissioners. Before beginning work on any road in any locality in the county, if deemed necessary by the superintendent he shall give the overseer

of said road five days' notice of his intention to begin work, whereupon the overseer of said road shall call out for road duty all persons subject to road duty on said road and said overseer and road hands shall meet the superintendent at the place designated in the notice given by the superintendent to said overseer. The overseer shall see that each hand apportioned to a public road or liable to work thereon has had the notice required by law and that all persons liable to road duty perform their equal share of services, and in the event any person who has been warned to work on a public road has a sufficient excuse for not working at the appointed time the superintendent or overseer shall see that each person perform his equal share of road services at other times or places. He shall also in conjunction with the overseer, make a memorandum of all defaulters and see that the overseer and persons liable to road duty perform all the duties required of them by law, and especially report to the court of county commissioners and grand jury at the next session the names of all overseers who fail to comply with the law requiring them to prosecute defaulting road hands. (4) To contract for building or repairing small bridges, culverts, and causeways with the permission and consent of the commissioners' court and contract for such timber and material, as may be necessary for the building or repairing of said small bridges, culverts and causeways and contract for the erection of mile posts and sign boards. (5) To dismiss from service on the road any hand whether working for himself or as a substitute who shall fail or refuse to do good and sufficient work, or who may be intoxicated, or who shall use any vulgar, profane or obscene language, after having been requested by the superintendent or overseer not to do so, or who shall refuse to obey any reasonable order of the overseer or superintendent and have such person proceeded against as though he had failed to obey the notice to work or had failed or refused to work on said road. (6) To

take good care of teams, live stock, tools, and implements turned over to him by the court of county commissioners; to use the same only upon the public roads of the county and at the expiration of his term of service or on his removal from office he shall deliver the same to the probate judge of St. Clair county or the said superintendents' successor in office. (8) To make reports under oath to the court of county commissioners at the regular terms in February, May, August and November in each year showing the time each laborer has worked under him, together with any other reports as may be required of him by the court of county commissioners. (9) To make monthly reports under oath to the judge of probate of said county stating the names of the pay laborers he has had in his said employ and the time they have so worked, together with the amount opposite their respective names, to which they are entitled for labor performed under him, and the judge of probate shall immediately draw a warrant on the treasurer of said county in favor of said laborer for the amount which is due him.

Section 7. The court of county commissioners ^{Powers of} of St. Clair county shall have the power at any ^{Commission-} time from the passage of this act: (1) To employ a competent surveyor or civil engineer for the use of the public roads of St. Clair county and to fix a reasonable compensation for his services. (2) To require persons operating saw mills in the county when the logs or lumber or any portion thereof is hauled over the public roads of the county, or any specific portion thereof to first secure a license from the probate judge and to prescribe a price to be paid for same. (3) To require persons hauling logs, lumber or other timber or crossties of whatever description over the public roads of said county, or any specified part thereof to secure a license from the judge of probate and to prescribe a price to be paid for such license on each wagon or dray so engaged. All money collected under this and the preceding sections shall go into the special road fund for the

county. The probate judge is entitled to 25 cents for issuing each license to be paid by the party applying for the same. (4) To enter up any order or decree that they may deem wise for the benefit of the public roads of St. Clair county, not inconsistent with the general laws of the state of Alabama. (5) Any person who violates any order or decree made by the court of county commissioners of said county under the provisions of this act shall be guilty of a misdemeanor and on conviction must be fined not less than \$10 nor more than \$100 to be paid in money and to go into the special road fund for the county. (8) Said court shall employ or authorize the superintendent or superintendents to employ such laborers, in any manner, as in their judgment is best, and which said laborers shall be under the direct supervision and control of the superintendent.

Penalty.

Section 8. The superintendent of said hired laborers shall actually work said laborers not less than 8 hours each day. Any superintendent failing, without sufficient cause or good excuse, to work said laborers 8 full hours in each day, as above provided shall be removed from office and shall forfeit his salary for the month or months in which such failure or failures occur. But nothing herein contained shall be so construed as to require persons who work the road in response to the summons given by overseers to work at other different hours than those now fixed and provided for by the general laws of this state.

**Provisions of
general road
laws appli-
cable.**

Section 9. Said apportioners and overseers are to be appointed, have authority and their duties shall be such as is set out in the general road law for the state of Alabama, save as to where the same conflicts with this act.

Excuses.

Section 10. Any person appointed superintendent, apportioner or overseer may send in his excuse for not accepting or after he has accepted, may resign to the judge of probate. Such excuse or resignation must be in writing, the excuse for not serving or the reason for resignation stated and must be sworn to. The Judge of probate shall

pass upon such excuse or resignation and may accept or reject the same.

Section 11. The mode of warning hands is for the overseer, or some one appointed by him, to give two days' notice, in person or in writing to be left at the place of residence to all persons liable to road duty to meet at such time and place as the overseer may appoint and with such tools as he may direct.

Section 12. The current road year shall begin on the 1st day of January, 1907, and shall end on the 31st day of December, 1907, and thereafter the road year shall begin on the 1st day of January and end on the 31st day of the succeeding December.

Section 13. No person or hand in St. Clair county shall be liable or required to work any public road more than 8 days, in any one year, not counting the days engaged in opening new roads.

Section 14. All persons residing in St. Clair county not herein exempted shall be liable to work on the public roads of said county for eight days for each road year. The following named persons only, are exempt from road duty: All persons who reside in municipal corporations and are liable to street or road duty therein; all females, guards, and persons having control of convicts, all male persons under eighteen or over fifty years of age, all maimed and disabled persons, who shall procure a certificate of such disability from some reputable licensed practicing physician in said St. Clair county and file the same with the probate judge of said county who shall issue him a certificate exempting him from road duty on the public roads of said county.

Section 15. Any person who may be liable to road duty under the provisions of this act may discharge such liability by paying the sum of five dollars to the tax collector of St. Clair county on or before January 1st of each year preceding the road year for which he would be liable for road duty. Said tax collector shall issue to him

Duty of tax
collector.

on receipts furnished by the court of county commissioners of said county a receipt giving his entire full name, the precinct in which he resides, and the year for which he has so paid.

Section 16. During the month of January in each year the tax collector of said county shall file an alphabetical list according to precincts of the persons paying him the said amount of five dollars in lieu of work in the office of the judge of probate and mail a copy of the same to the road superintendent or superintendents of said St. Clair county giving the names in full of the parties so paying together with the total amount received under the provisions of this act. Said tax collector shall receive for his services under this act not to exceed three percent of the amount collected by him from persons paying in lieu of work, to be fixed by the commissioners' court of said county. Said tax collector shall pay in monthly into the county treasury all money so received by him from persons paying in lieu of work and notify the probate judge of the amount so paid.

Special tax.

Section 17. The court of county commissioners of St. Clair county be and they are hereby authorized and empowered to levy a special tax of not exceeding one-fourth of one per cent, per annum on all taxable property within said county for the purpose of paying for the erection, maintenance and repair of the public roads and bridges of said county, which said special tax shall be levied and collected as other taxes are levied and collected, but the funds arising from the same shall be kept separate from all other funds and shall only be used for the purposes for which the same was levied and collected. Said fund is to be known as the special road fund for St. Clair county.

Injuring or ob-
structing roads
and culverts.

Section 18. It shall be unlawful for any person to drag any logs or timber of any description along or across any public road in St. Clair county, or to bunch such timbers on or along such road so as to injure the same by the reloading or removing of such timber, or to place any timber, lumber or other obstruction in any culvert, or

ditch along said road, so as to cause the same to fill up to any extent or so as to obstruct the free passage of water along or through the same. Any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than one hundred dollars, said fine to be paid in money and to go into the special road fund for the county.

Section 19. Any firm, person or corporation engaged in the business of hauling lumber, timber, cross-ties or other heavy loads, or running heavy machinery over the public roads of St. Clair county, who shall damage, break or destroy any bridge or culvert on the roads of said county shall upon being notified either in person or by written notice given by the overseer of said road or the superintendent of said road, and who shall within five days after such notice, fail, or refuse to repair the bridge or culvert so damaged, broken or destroyed, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than one hundred dollars, said fine to be paid in money and go into the special road fund for the county.

Penalty for failure to repair damages.

Section 20. The court of county commissioners shall keep printed copies of this act in the office of the judge of probate of said county, and said judge of probate shall distribute the same to apportioners and road overseers in the county who shall apply for same.

Act printed and distributed.

Section 21. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

Repeal.

Section 22. It shall be the duty of the circuit judge to give this act in charge to the grand jury at each term of the circuit court of St. Clair county.

Grand Jury charged as to act.

Approved, February 26th, 1907.

To abolish the county court of Cleburne county, Alabama, to take effect on the first day of May, 1907, to provide for the transfer and disposition of the suits and causes pending therein, and of all proceedings for remedial writs pending before the judge of said court at said date, and of the dockets, records, and papers of said court; to provide for the enforcement of the orders, judgments and decrees of said abolished court, and for the collection of the unpaid fees and cost earned therein, and to regulate, from and after said date, the process issued from and returnable to said court, and bonds and recognizances pertaining to proceedings therein.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to establish a county court for the county of Cleburne, approved February 16, 1897, be and the same is hereby repealed to take effect May 1st, 1907.

Act amend-
ing repealed.

Section 2. That an act entitled an act to amend sections 1, 6, 9, 10, and 20 of an act entitled an act to establish a county court for the county of Cleburne, approved February 16th, 1897, and to add section 32 1-2 thereto, approved December 9th, 1898, be and the same is hereby repealed to take effect May 1st, 1907.

Section 3. That an act entitled an act to amend section 2 of an act entitled an act to establish a county court for the county of Cleburne, approved February 16th, 1897, approved December 13, 1900, be and the same is hereby repealed to take effect May 1st, 1907.

Court abol-
ished.

Section 4. That the county court of Cleburne county in this state, be and the same is hereby abolished to take effect May 1st, 1907.

Cases, etc.,
transferred.

Section 5. That from and after May 1st, 1907, all actions, proceedings at law, and all indictments and proceedings in criminal cases pending in the county court of Cleburne, be and the same

are hereby transferred to the circuit court of Cleburne and said circuit court of Cleburne county, Alabama, shall from and after said date have, take and exercise full and complete jurisdiction of all matters in civil cases at law and criminal cases which have been brought in said county court of Cleburne, and which may be in any way then pending and undetermined in said county court of Cleburne and no causes indictments, or other proceedings of any kind shall be discontinued by the abolishment of said county court of Cleburne county, and no rights of any sort shall be destroyed or taken away by the abolishment of said county court, but the circuit court of Cleburne county, shall from and after said date take jurisdiction and administer justice in the same manner and to the same extent as if such matters or proceedings had been brought to and were still pending in said circuit court.

Section 6. That from and after May 1st, 1907, ^{Processes is-} all process of any kind in cases at law or criminal cases, which has been issued from or made returnable to said county court of Cleburne county, shall be returnable to and shall be considered and regarded as returnable to the circuit court of Cleburne county in the same manner and same extent as if the same had been issued from and been made returnable to the circuit court of Cleburne county, Alabama, and from and after said date all bonds and recognizances taken in cases in said county court shall be construed and shall be enforced by the said circuit court as if taken by said court, or as if they had been made to said circuit court, or made to secure appearance of any person before said circuit court.

Section 7. That from and after May the first, ^{Actions in} 1907, all actions and proceedings in equity pending upon the equity docket of said county court of Cleburne county, be, and the same are hereby transferred to the court of chancery for the county of Cleburne and chancery court of Cleburne county, Alabama, shall from and after said date have, take and exercise as full and complete ju-

jurisdiction of all matters in equity which may be then pending and undetermined in said county court as if the same cause or matter had been brought to or instituted in said chancery court for the county of Cleburne and no cause or other proceeding in equity of any kind shall be discontinued by the abolishment of said county court of Cleburne county; and no rights of any kind or character shall be destroyed or taken away in equity cases pending in each county court by the abolishment of the same, but said court of chancery for the county of Cleburne as now established by law, shall from and after said date take jurisdiction of all matters in equity which have not been fully and finally disposed of by said county court and shall exercise jurisdiction and administer justice in the same manner as now administered by said courts of chancery in this state and to the same extent as if such causes or other proceedings had been brought to and were still pending in said chancery court for the county of Cleburne.

Processes in equity cases.

Section 8. That from and after May 1st, 1907, all process of any and every kind in equity cases which has been issued from or made returnable to the county court of Cleburne, shall be returnable to and shall be considered and regarded as returnable to the chancery court of Cleburne county, Alabama, and shall be construed and enforced by said chancery court for the county of Cleburne as if issued from said court in first instance.

Mandamus, habeas corpus, etc.

Section 9. That from and after May 1st, 1907, all proceedings for mandamus, habeas corpus, prohibition or other remedial writs, that may be pending before the judge of the county court or before said court at the time this act goes into effect, shall be and they are hereby transferred to the judge of the circuit court of the county of Cleburne, or to said circuit court as the case may be, and all such proceedings from and after said date shall be continued before the judge of the circuit court of the county of Cleburne or before

said circuit court in the same manner and with the same force and affect, as if they had been originally begun before the said circuit judge or made returnable to said circuit court.

Section 10. That all judgments which have been rendered by the county court of Cleburne in any action or proceeding at law, or in any criminal case, shall from and after May 1st, 1907, be enforced by said circuit court in the same manner and with the same force and effect as if the said judgment had been originally rendered in the circuit court of the county of Cleburne and that from and after said date all proceedings, for the enforcement of the said judgments shall be issued by the clerk of the circuit court of the county of Cleburne, and be returned in the same manner as is now prescribed by law for the enforcement of the judgments of the said circuit court. Judgments.

Section 11. That from and after May 1st, 1907, all decrees and orders that have been made in any action or proceeding in equity in the county court of Cleburne shall be enforced by the chancery court of Cleburne county in the same manner and with the same force and effect as if the said decrees and orders had been originally made by the said court of chancery for Cleburne county; and all process and any action or proceeding in equity that may be outstanding at said date and which would be returnable to the county court of the county of Cleburne, or to the clerk or register of said court, if said county court had not been abolished, shall be returned to the court of chancery of the county of Cleburne in the same manner and with the same force and effect as if the said process had been originally issued by the register or out of the said court of chancery. Decrees and orders.

Section 12. That from and after May 1st, 1907, the circuit court for the county of Cleburne shall be vested with full power and jurisdiction to hear and determine all cases at law, and all criminal cases, and to execute all process therein; of all such cases transferred to said circuit court Powers of circuit and chancery court.

from the county court of Cleburne county under the provisions of this act and from and after said date, the court of chancery of the county of Cleburne is hereby vested with full power and jurisdiction to hear and determine all cases in equity and to execute all process therein which may be transferred to said court of chancery for the county of Cleburne from the county court of Cleburne under the provisions of this act.

Duty of County Court clerk.

Section 13. That from and after May 1st, 1907, it shall be the duty of the clerk of the county court of Cleburne to deliver over to the clerk of the circuit court of Cleburne county, Alabama, all the dockets of all the cases at law and of criminal cases and all the papers of every kind in all cases at law and criminal cases which have been brought in the county court of Cleburne since its organization to the time of such delivery and he shall deliver over to the said clerk of said circuit court all indictments which have been returned in said county court since its organization together with all the capiases issued, and all the bonds taken in criminal cases or in civil cases at law and all other papers connected with any and all criminal cases or civil cases at law and proceeding from the organization of said county court, and he shall at the same time deliver all the records and minutes of said county court of civil cases at law and criminal cases from the organization thereof to the time of delivery and all other books, and papers which appertain to civil cases at law and criminal cases which belong to said county court, and said clerk shall deliver from and after May 1st, 1907, all records, minutes, entries, books, and papers of every class and description from the organization of said county court to the time of delivery which pertain to or belong to all cases in equity pending in said county court of Cleburne, to the register of the court of chancery of the county of Cleburne.

Duty of Circuit Clerk.

Section 14. That the clerk of the circuit court shall from and after May 1st, 1907, receive from the clerk of the county court of Cleburne, and

keep all the dockets, and records, minutes and papers and all other things which pertain to civil cases at law and criminal cases which were pending in the county court of Cleburne at said date, and the said circuit clerk of the county of Cleburne is from and after said date vested with authority to do and perform all the acts and discharge all the duties in regard to said records, dockets and papers so received by him from the clerk of said county court, which the said clerk of the said county court could or might do with reference to civil cases at law or criminal cases, if the said county court were in existence, all powers of the clerk of said county court, in civil cases at law and in criminal cases while it existed, being hereby conferred on the clerk of the circuit court of Cleburne county, Alabama. And from and after May 1st, 1907, the register in chancery of the county of Cleburne shall receive from the clerk of the county court of Cleburne, and safely keep all dockets, records, minutes, papers and all other things which appertain to said county court of Cleburne, in cases of equity or proceedings therein and the said register in chancery for the county of Cleburne, from and after said date is vested with authority to do and perform all acts and discharge all duties in regard to said records, dockets, and papers so received by him from the clerk of the county court of Cleburne, which the clerk and register of the said county court could or might do if the said county court of Cleburne were still in existence; all the powers of the clerk of the county court of Cleburne in cases in equity while it existed, being hereby conferred on the register in chancery for Cleburne county, Alabama.

Register in
chancery.

Section 15. That all cost heretofore accrued in the said county court due and owing to the officers thereof, and witnesses or others for services performed by them or to be hereafter due and owing to them for such services, shall from and after May 1st, 1907, be collected in the circuit court and in the chancery court for the coun-

Costs.

ty of Cleburne, respectively, by process of law as all such fees are collected in such courts, and paid to the parties entitled thereto as though such cost and fees had originated in said courts.

Repeal.

Section 16. That all laws and parts of laws in conflict with this act, be and the same is hereby repealed.

Approved February 22, 1907.

No. 90.)

AN ACT.

(H. 452.)

To authorize the establishment of a dispensary in the town of Oxford, Calhoun county, Alabama, for the purpose of buying and selling spirituous, vinous, or malt liquors, and to prescribe the condition on which such dispensary shall be established, and to provide for the distribution of the profit arising from the same, and to further regulate and prohibit the sale, giving away, or otherwise disposing of all intoxicating liquors except in said dispensary, and to provide that this act shall go into effect at an election to be held in the said town on the——day of——1907.

Be it enacted by the Legislature of Alabama, as follows, to-wit:

Dispensary
authorized.

Section 1. That the town of Oxford, in Calhoun county, Alabama, shall have authority and be empowered to conduct and carry on its corporate capacity and through its legislative body the business of buying and selling spirituous, vinous and malt liquors subject to the conditions and restrictions hereinafter made.

Election as to Section 2. That within sixty (60) days after passage of this act an election shall be held in said town of Oxford, Calhoun county, Alabama, notice of which election shall be given in a newspaper at least thirty (30) days before the election, such notice to be given in a newspaper published in Calhoun county. Such election shall be conducted, held and the result ascertained in all respects as other municipal elections are held

in and for said municipality for the purpose of electing the executive officer and members of the legislative body of said municipality, except as may be otherwise provided herein; Provided, the ballot to be used shall be an official ballot prepared under the directions of the chief executive officer of the said town of Oxford, Calhoun county, Alabama, and shall have the words "For Dispensary and "Against Dispensary" printed thereon, and the elector voting for a dispensary shall make a cross mark in front of the words "For Dispensary" and the elector voting against a dispensary shall make a cross mark in front of the words "Against Dispensary." The canvassing board of such election shall certify the result of the election to the probate judge of Calhoun county, Alabama, and to the executive officer of the said town of Oxford, Calhoun county, Alabama, in writing, and such certificate shall be filed in the office of the probate judge, and with the records of the said town and shall be preserved.

Section 3. If the canvassing board shall certify by such certificate that a majority was cast for a dispensary, said municipality shall be authorized and empowered to conduct and carry on its corporate capacity and through its legislative body the business of buying and selling spirituous, vinous and malt liquors as provided in section 1 of this act, and subject to the restrictions and conditions herein contained. After one election has been ordered and held by the said town of Oxford, Calhoun county, Alabama, under this act, no new election shall be ordered before the lapse of two years.

Majority for
Dispensary.

Section 4. The place at which such business shall be carried on shall be called a dispensary, and the said town of Oxford shall invest in said business a sum of money not less than five hundred dollars (\$500.00) nor more than twenty-five hundred dollars (\$2,500.00). The liquors bought and sold as herein provided shall be of the best and the purest quality.

"Dispensary."

Amt. invested.
Liquors of best
quality.

Dispenser; salary, etc.	Section 5. That the office of the dispenser is hereby created. The first dispenser under this act shall be elected by the legislative body of the said town of Oxford, immediately after this act goes into effect, and he shall hold office, unless sooner removed under the provisions of this act, until after the next regular election of officers of the said town, when a successor shall be elected by the newly elected legislative body of the said town. It shall be the duty of each newly elected legislative body of said town to elect a dispensary for said town at their first regular meeting after their election. And such dispenser shall hold office during the term of such legislative body unless sooner removed from said office under the provision of this act. Such dispenser shall be esteemed as honest, temperate, law-abiding and competent to carry on a dispensary in the said town. Before entering upon the duties of his office he shall make oath or affirmation before an officer authorized to administer oaths that he will obey all laws of the state of Alabama and the town of Oxford, Calhoun county, Alabama, relative to the sale or giving away, or delivering of liquors of any kind; he shall also before beginning business execute to the town of Oxford, a bond of such sum as said legislative body of the said town may prescribe conditioned for the honest and faithful performance of all his duties as such dispenser. Said bond shall have at least two sufficient sureties and be approved by the mayor of the said town. For the neglect of business, incompetency, misfeasance or malfeasance in office or for a violation of any of the regulations prescribed by said town of Oxford, Calhoun county, Alabama, for the management of the said dispensary, a dispenser may be impeached by the legislative body of the said town; and for cause, to be judged of by said body, the dispenser may be removed from office. Whenever a vacancy occurs in said office from any cause whatever, the legislative body of said town shall elect a dispenser to fill the vacancy.
Election of	
Term.	
Oath.	
Bond.	
Removal.	
Vacancy.	

Section 6. That the legislative body of the said town shall fix the amount of the salary of the dispenser before he is elected; such salary shall not be less than \$400.00 per annum nor more than \$900.00 per annum, and shall be paid in equal monthly installments on the first day of each month out of the general funds of the said town. The said legislative body of said town shall not make nor permit the amount of the said salary to depend on the amount of sales that may be made by the dispenser. Salary of.

Section 7. That said dispenser shall not sell any liquors of any kind in any quantity less than one-half of a pint. He shall not make any sale to a minor or to a habitual drunkard, and he shall make no sale at any time except within the hours when said dispensary may be opened under the regulations adopted by the legislative body of the said town. Liquors; how sold.

Section 8. That said dispenser shall not himself drink, consume or give away any liquor of any kind or in any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person, whomsoever to drink or consume any kind of liquor on said premises but this section shall not be construed so as to prohibit the dispenser or some employee designated by him from sampling liquors which he may contemplate purchasing for the said business. Said dispenser shall report to the mayor of the said town and to the grand jury of the said county, any one whom he believes guilty of violating the provisions of this section. Drinking not allowed on premises.

Section 9. That any person that drinks or consumes any liquor on said premises, except as permitted in section 5 of this act, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding one hundred (\$100.00) dollars. Penalty for violating.

Section 10. That the dispenser shall not sell any spirituous, vinous or malt liquor or intoxicating drinks of any kind that are not contained in sealed packages. He shall not keep any broken Liquors sold in sealed packages.

packages in the dispensary. If any original package should be broken, the contents shall at once be bottled and the bottle sealed.

Buy and sell for cash. Section 11. That the dispenser shall buy and sell for cash only and no purchase by him shall be binding on the said town until same shall be approved by the mayor of said town, or some member of the said legislative body of the said town designated for that purpose. The dispenser shall keep an accurate account of all his purchases, and the amount of each day's sale, together with the names of all persons to whom the sale was made. He shall make to the legislative body of the said town daily and weekly reports on such forms and under such directions, rules and regulations as the said legislative body may require; and he shall give full and accurate information as to the conditions, expense, profit, losses and status of business. He shall make other and additional reports oral or in writing whenever and as often as the legislative body of the said town may require. Subject to the provisions of this act, the legislative body of the said town shall regulate and control the conduct and management of the said business.

Account kept.

Reports.

Daily deposits. Section 12. That the said dispenser shall make daily deposits of all money received by him for the sale of liquor with the treasurer of the said town; and all purchases and other expenses made and incurred in maintaining and carrying on said business shall be paid by warrant drawn on the treasurer of said town, only when the warrant explicitly shows for what drawn and after the approval of the said legislative body of said town.

Purchases and expenses; how paid.

Gates, doors, etc., not allowed. Section 13. That no gates, doors or windows or other openings shall connect the dispensary with any adjacent house so as to permit ingress or egress into and out of such house or lot from and to the dispensary, and no blinds or other obstructions shall be placed in the door entering into the dispensary.

License. Section 14. That if a dispensary is put in op-

eration by said town before the 1st of January, 1908, it shall pay to the state and county a license for the remaining part of the year 1907, 1-4 annual license required by the laws of Alabama.

Section 15. That the said town of Oxford is hereby required to appropriate at least fifty per-^{Net profits.} centum of the net profits of the business of said dispensary to the support and maintenance of school interests in said town of Oxford, and in the discretion of the legislative body any portion or all of the remaining fifty per centum may be appropriated to the school interests in Oxford.

Section 16. Except as provided in this act, no spirituous, vinous or malt liquors or other in-^{Sale of prohib-} toxicating drinks or beverages of any sort shall be sold, given away, or otherwise disposed of in said town. Nothing in this act shall be so con-^{Exception.} strued as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by whole-^{Penalty for} sale, in sealed packages to the dispensary in said town, or shipping the same to buyers elsewhere. Any person who violates the provisions of this section shall be guilty of a misdemeanor and on conviction shall be sentenced to imprisonment in the county jail or hard labor for the county for not less than one nor more than twelve months, and may also be fined not less than fifty dollars nor more than five hundred dollars, at the discre-^{violation.} tion of the jury.

Section 17. That all laws or parts of laws, special, local or general in conflict with the pro-^{Repeal.} visions of this act be, and they are, hereby repealed.

Approved, February 26, 1907.

No. 91.)

AN ACT.

(H. 356.

To better provide for maintaining and keeping in repair public roads of Monroe county.

Superintendent;
how appointed; term
of office.

Section 1. Be it enacted by the Legislature of Alabama, That a committee consisting of the sheriff, probate judge and the circuit clerk, shall within thirty days after the passage of this act, and on the first Monday in April in each succeeding year, appoint a superintendent of public roads of Monroe county, who shall hold his office for the term of one year.

Duties of Superintendent.

Section 2. Be it further enacted, That the duties of the said superintendent of said county shall be: Sub-Division 1. 1st. To have control and supervision of the overseers and the public roads of said county, and direct the manner of working said roads, subject only to such directions as may have been given him previously by the commissioners' court of said county. 2nd. To remove any overseers who shall fail or refuse, to perform his duties, or comply with any reasonable order or supervision of said superintendent, and to appoint another in his place and to fill all vacancies in the office of overseer. 3rd. To work and improve the roads of Monroe county as he may be directed by the court of county commissioners. Before beginning work on any road in any locality in the county, he shall give the overseer of said road five days' notice of his intention to begin work, whereupon, the overseer of said road shall call out for road duty, all persons subject to road duty on said road and said overseer and road hands shall meet the superintendent at the time and place designated in the notice given by the superintendent to said overseer. The overseer shall see that each hand appointed to a public road, or liable to work thereon, has had the notice required by law, and that all persons liable to road duty, perform their equal share of road service and in the event any person who has been warned to work on the public road, has sufficient excuse for not working at the appointed time, the superintendent shall see that each person perform his equal share of road services at other time or places. He shall also in conjunction with the overseer, make a memorandum of all defaults and see that overseers in person lia-

ble to road duty, perform all the duties required of them by law, and especially report to the court of county commissioners, and the grand jury at their next session, the names of all overseers who failed to comply with the law requiring them to prosecute defaulting road hands.

Section 2. Continued. 4th. To contract for building or repairing small bridges, culverts and causeways with permission from the commissioners' court, and to contract for such timber and material as may be necessary for the building or repairing of small bridges, culverts and causeways. 5th. To dismiss from service on the road any hand whether working for himself, or as a substitute, who shall fail or refuse to do good and sufficient work, or who may be intoxicated, or who shall use any vulgar, profane or obscene language after having been requested not to do so, or who shall refuse to obey any reasonable orders of the overseer or superintendent, and have such person proceeded against as though he had failed to obey the notice to work or had failed or refused to work on said road. 6th. To care for teams and tools and implements turned over to him by the commissioners' court, to use the same only on the public roads of the county and at the expiration of his term of service, or on his removal from office, he shall deliver the same to the probate judge of said county. 7th. To report to the commissioners' court at the regular term in February, April, August and November in each year, showing all amounts paid by each and every overseer for moneys collected by said overseers from persons liable to road duty, who have elected to pay money in lieu of their labor, and the name of each overseer and the amount collected from him, and showing the amounts paid out for labor on road, materials or repair, or other expenditures, and to whom paid, as well as all amounts promised for work performed and materials furnished under the contracts authorized by sub-division 4 of this section.

Duties of Superintendent.

Apportioners.

Section 3. Be it further enacted, That the apportioners of Monroe county shall within thirty days, after being served with notice of their appointment, furnish to the superintendent a list of the names of hands and overseers on each section of road in their respective precincts.

Exemption;
amount paid.

Section 4. Be it further enacted, That any person liable to road duty may be exempt from work by himself or substitute by paying to the overseer, on or before the day appointed for commencing work, the sum of one and one quarter dollars (\$1.25) for each day he is summoned to work. The commissioners' court shall cause to be printed receipt books with stubs, and to furnish each overseer with a sufficient supply of

Receipt books.

such books and when, and as often, as any person liable to road duty pays the overseer in lieu of work, said overseer shall give such person a receipt for the amount paid, and shall number the stub to correspond with the number of the receipt, and said stub shall show amount, and from whom received. The overseer shall from time to

Money to be
paid over.

time, pay said money over to the superintendent, taking receipt therefor, and all overseers shall on or before the 25th day of December in each year, deliver to the probate judge, all stubs from

Judge of Probate to keep
stubs and receipts.

receipts for money collected from road hands and shall also deliver to the probate judge, all receipts given them by the superintendent. The

Penalty.

judge of probate shall keep said stubs and receipts on file in his office, and all persons shall have the right to examine and inspect the same at all reasonable times. Any superintendent, or overseer, who converts any of said money to his own use, or use of another, or who willfully fails or refuses to account for same as required by law, shall be guilty of embezzlement and punished accordingly. The money collected from persons liable to road duty, shall, by the superintendent, or commissioners' court, be devoted to maintaining and keeping in repair the public road to which said persons are appointed.

Money used
for road purposes.

Section 5. Be it further enacted, That the com-

missioners' court of said county, shall purchase for the use of the county, and deliver to said superintendent, taking his receipt therefor, such tools, hoes, plows, teams and other implements, as in their judgment, are useful in the construction or repair of roads in keeping with the financial condition of the county, and making reasonable allowances from time to time, for the actual and necessary cost of keeping and repairing the same, and said court shall employ or authorize the superintendent to employ, a force of not less than eight nor more than twelve laborers, the number to be fixed by the court, which said laborers shall be under the direct supervision of the superintendent. The superintendent and the said hired laborers, shall begin work each day at sunrise, and work until sunset, with an hour intermission at noon. Any superintendent failing without cause or good excuse to begin work at sunrise and work until sunset, with an hour intermission at noon, shall be removed from office, and shall forfeit his salary for the month or months in which such failure or failures occur. It shall be the duty of overseer and hands apportioned to that road being worked by the superintendent to work the same number of hands as above prescribed for the superintendent and hired laborers.

Duty of Commissioners Court.

Hours for work.

Failure of Superintendent.

Penalty.

Section 6. Be it further enacted, That the commissioners' court of said county shall at its next meeting after the passage of this act, classify, designate and number as many of the most important roads in the county as said superintendent can probably superintend, and from time to time, add to this number until all the public roads in the county are placed under his supervision. They shall make a record on the minutes of the court of the roads so designated and furnish the road superintendent with a list of such roads.

Roads classified.

Section 7. Be it further enacted, That the road superintendent, before receiving the county property, or entering upon the duties of his office, shall be required to enter into bond in the sum of

Bond of Superintendent.

Vacancy.

two thousand dollars, (\$2,000) with solvent sureties to be approved by the probate judge conditioned for the faithful performance of his duties under this act, and the commissioners' court shall direct suit to be brought in the name of the county on his official bond for any breach of the conditions thereof. That if the office of superintendent should become vacant by death, resignation, or removal, the commissioners' court at the next regular meeting thereafter shall appoint a suitable person to fill the unexpired term. A road superintendent may be removed from his office whenever in the opinion of the commissioners' court, it is best to do so.

Removal.

Salary.

Section 8. Be it further enacted, That the road superintendent shall receive for his services, a salary to be paid quarterly of not less than \$50.00 nor more than \$75.00 per month, which amount shall be fixed and public notice thereof given at least thirty days before the day of appointment.

Persons liable for road duty.

Section 9. Be it further enacted, That all male persons between the ages of eighteen and fifty years, shall be liable to work on public roads of Monroe county, and no person or hand in said county, shall be required to work any public road more than ten, or less than eight days in any one year, not counting the days engaged in opening new roads.

Appropriation.

Section 10. Be it further enacted, That the commissioners' court shall appropriate annually, so much of the funds of said county as will be sufficient to pay the salary of the superintendent and the cost and expenses pertaining to keeping in repair the public roads of said county; may be paid out of the general fund, or any special fund of the county, not otherwise appropriated, provided, that not exceeding the sum of \$2,500.00 shall be expended or appropriated in any one year for said person.

Laws effective.

Section 11. Be it further enacted, That except, so far as the same may be in conflict with this act, the general laws of the state in reference to roads and highways shall be enforced in Mon-

roe county, and that all laws in conflict with this act, be and the same are hereby repealed in so far as they apply to the county of Monroe.

Repeal.

Approved, February 26th, 1907.

No. 93.)

AN ACT.

(H. 339.

To provide for the better working and maintaining of the public roads in Sumter county.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Sumter county are authorized to use all funds received by said court from the sale of road bonds in establishing, building, improving, maintaining and working the public roads in Sumter county. Funds used.

Section 2. That said funds so received from the sale of said road bonds shall be kept separate from the general fund by the county treasurer, and shall be designated as the road fund, and such fund shall be used for road purposes only, and shall only be paid out upon the warrant of said court of county commissioners. Separate account.

Section 3. That said court of county commissioners shall have authority to appropriate any surplus in the general fund of said county, not otherwise appropriated, to the road fund of said county, and upon so doing, shall order the county treasurer to transfer said surplus from the general fund to the road fund. General fund surplus.

Section 4. That said court of county commissioners are authorized and empowered to work the public roads in said county in whole or in part by contract as they may deem best. Work roads by contract.

Section 5. That the said court of county commissioners are hereby authorized and empowered to employ a competent civil engineer to change or better locate the roads to be improved or established and to prepare plans and specifications of such roads as may be built or worked by con- Civil Engineer.

tract, and to superintend the working, construction and location of said roads. The salary of said engineer to be paid out of the road fund.

Tools, teams,
etc.

Section 6. That said court of county commissioners are authorized to use as much of said road funds as they may deem necessary for the purchase of the necessary tools, implements, teams, wagons, machinery, and material for the building, locating and working the public roads in Sumter county and for maintaining said teams and repairing said tools, implements, teams, wagons and machinery so purchased.

Persons em-
ployed.

Section 7. That said court of county commissioners are hereby authorized and empowered to use a part of said funds to employ a competent person or persons to operate and direct the operation of road machines or other work that may be done.

Persons liable
for road duty.

Section 8. That all male inhabitants of Sumter county between the ages of 18 and 55 years of age, and who are not exempt from road duty under the general laws of this state, shall be required to work upon the public roads of the county for ten days in each year; ten hours of faithful work each day under the orders of the foreman, overseer or duly appointed agent of the commissioners' court; provided, that this obligation may be discharged by the payment to the duly authorized agent of the commissioners' court of the sum of seven and 50-100 (\$7.50) dollars for the calendar year. A receipt from such agent shall be prima facie evidence of such payment. Said sum when so paid shall be turned over by said agent to the county treasurer and become a part of the road fund of the county.

Annual pay-
ment.

Act applies to. Section 9. That the provisions of this act shall apply to all male inhabitants of said county between the ages of 18 and 55 years not exempt from road duty under the general laws of this State, whether resident in any incorporated town or city in said county or not. Provided, further, that any amount paid by a resident of any incorpo-

rated town or city as street tax to said incorporated town or city may be credited on the amount herein required to be paid as road tax and the balance only of the said seven and 50-100 dollars paid to the said agent of said commissioners' court.

Section 10. That every person subject to road duty under the foregoing sections of this act shall be liable to work on any public road in the precinct in which he resides, provided every part of same is not more than six miles distant from his residence, and the fact that he has worked on one road does not exempt him from work on another road in his precinct; provided, that no person shall be required to work more than ten days in any one year. Liability for work.

Section 11. That the commissioners' court of said county shall be and they are authorized and empowered to employ a foreman, agent or overseer, or as many as may be necessary, in lieu of the overseers now authorized by law, to superintend the working of the public roads in the various precincts of the county. Said foreman, agent or overseer to have the same powers and authority now conferred on overseers by the general laws of the State. The salary of each agent, overseer or foreman to be fixed by the court of county commissioners and to be paid out of the road fund of the county. Foreman, agent or overseer.

Section 12. That all fines imposed and collected under the criminal laws of the State for failure to perform road duties shall be paid to the county treasurer and become a part of the road fund of said county. Fines collected.

Section 13. That when a warrant is issued against the road fund of said county by the commissioners' court to any person, that it shall be the duty of said person to draw said warrant from said court on the treasurer of said county and present the same for registration or payment within six months from the allowance thereof; and upon failure of any person to draw and present such warrant as above set out within the Warrants.

time prescribed, the same shall be forever barred, and shall not be entitled to payment or registration against said county.

Laws applicable.

Repeal.

Section 14. That except as the same may be in conflict with this act, the laws now in force in this State in reference to roads and bridges shall continue in force, and such laws and parts of laws in conflict with this act in so far as they pertain to Sumter county be and the same are hereby repealed.

Approved, February 26, 1907.

No. 94.

AN ACT.

(H. 264.)

To authorize and require the probate judge of St. Clair county to hold regular terms of the probate court at Pell City, and such adjourned, called and special terms as may be necessary, and to declare the powers and jurisdiction of said court holden at said place; to authorize the probate judge of said county to perform other official acts at Pell City, and to keep books and records of his office at said place; and to authorize the employment of a sworn and bonded clerk, who shall keep charge of the office in the absence of the probate judge, and who may discharge all duties imposed by law on the clerks of probate judges in this State.

Probate Court
held at Pell
City.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act the probate judge of St. Clair county shall hold regular terms of the probate court of said county at Pell City, in the building provided by the court of county commissioners of said county, on the fourth Monday in each month, and may continue at each term until the business of the court is disposed of, and he shall hold all adjourned, called and special terms of such probate court as may from time to time become neces-

sary, and as provided by law for holding such terms of the probate court in this State, but such court must at all times be considered as open, except on Sundays, with authority to do all things needful in relation to granting letters testamentary, of administration or guardianship, and all matters appertaining thereto; binding all such apprentices, and making all other necessary orders which are grantable as a matter of course.

Section 2. That the probate court when sitting at Pell City shall have jurisdiction of all matters and things properly cognizable by the probate court arising within precincts number 9, 10, 12, 13, 14, 15, 16, 17, 19, 20 and 21 in said county in the same manner and to the same extent that such business might be transacted and disposed of by courts of probate in this State.

Section 3. That the said judge of probate when at Pell City shall have power and authority to perform all the duties of the office pertaining to the territory hereinbefore described, and to do all acts and things relating to persons and property within the said territory as fully and completely as he would be authorized to do at the county site of said county at Ashville; and the probate judge at Pell City, or his clerk in his office there, in the name of the probate judge, may issue marriage licenses in all respects as he may do at Ashville, and the probate judge may at Pell City exercise all the authority conferred upon him by law in the matter of sales of land and personal property for taxes when assessed for taxes within the above described territory.

Section 4. That the probate judge of St. Clair county is hereby authorized to record at Pell City in books to be provided for that purpose all deeds, mortgages, conditional sales, judgments, adverse holdings of real estate, and all other instruments relating to the titles to land or encumbrances thereon or conveyances thereof situated in precincts number 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21, in St. Clair county, also all in-

Books, stationery, etc., to be supplied.

struments relating to property or persons in said territory authorized by law to be admitted to record, and all wills and any and all matters and things relating to the records and proceedings of the probate court when sitting at Pell City, or relating to any and all acts of the probate judge performed at Pell City, which by law are authorized or required to be recorded, as fully and completely as such books and records are now authorized to be kept by the probate judges in this State, and such records shall have the same force and effect as is by law accorded to the record of such instruments, matters, things and proceedings in the office of the probate judges of this State; and it is hereby made the duty of the court of county commissioners to provide, at the expense of the county, all necessary books and papers for the purpose of making such records.

Clerk to be kept at Pell City.

Section 5. The probate judge of said county shall keep a clerk in charge of his office in Pell City when he himself is not personally present, and such clerk shall have authority to discharge all the duties imposed by law on the clerks of the probate judges of this State, and for the acts of such clerk the probate judge shall be responsible on his official bond. That the probate judge may require of such clerk a bond in a sum not greater than three thousand dollars, which bond shall be payable to the probate judge, with condition to faithfully discharge all the duties required of him by law as such clerk, and said bond when approved by the probate judge shall be filed and recorded in the office of the clerk of the circuit court at Pell City.

Authority.

Bond.

Oath.

Section 6. That the said clerk of the probate judge before entering upon the duties of his office shall take and subscribe an oath for the faithful discharge of his duties as such clerk, which oath shall be filed in the office of the clerk of the circuit court at Pell City.

Books, etc., open to inspection.

Section 7. That all books, records and papers to be used in the office of the probate judge pertaining to the territory hereinbefore described

shall be kept by such probate judge or in his absence by his clerk in his office at Pell City in said county, free for inspection of all persons as now provided by law.

Approved, February 25th, 1907.

No. 96.)

AN ACT.

(H. 420.

To provide for the creation of the office of county auditor of Walker county, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election.

Section 1. Be it enacted by the Legislature of Alabama, That the office of auditor of Walker county, Alabama, be and the same is hereby created; that at the next regular meeting of the court of county commissioners of said county after the passage and approval of this act, said court of county commissioners shall elect a person to perform the duties of said office, who shall be an expert accountant of known integrity and skill and shall be a resident of said county, who has not within six years preceding his election held any office subject to be examined or audited under this act.

Office of
County Auditor created.

Election of.

Qualifications.

Section 2. That said auditor shall hold his office until the next general election held in Walker county or until his successor is elected and qualified. That at the next general election held in said county and every four years thereafter a county auditor shall be elected who shall hold office for a term of four years or until his successor is elected and qualified.

Term of office.

Successor elected and term of.

Section 3. Said auditor shall receive as his salary the sum of one thousand dollars per annum to be paid quarterly by the county treasurer out of such funds of the county as the court of county commissioners may direct, provided that not

Salary .

more than one-fourth of such salary shall be paid out of any one special fund and provided further that no part of such salary shall be paid out of the public road fund.

Power, authority and duty. Section 4. That said auditor shall have power and authority and it shall be his duty to audit and examine from time to time and at least once every three months, the books, records, vouchers, accounts and receipts of all the State and county officials in Walker county, Alabama, appointive or elective by the popular vote of the county, of their clerks, deputies and appointees, of the solicitors of the several courts of the county and shall at least once in every six months, audit and examine, the books, records, and dockets of ex-officio justices of the peace in said county and shall have power to order said books brought to his office for examination.

Power, etc., as to dispensaries. Section 5. That it shall be the duty of said auditor and he shall have the power and authority at least once every three months to audit and examine all accounts, records, books, vouchers, receipts, invoices, and reports of the several dispensaries or those operating the same now or hereafter established in Walker county.

Section 6. That in auditing and examining said books, records, vouchers, accounts, receipts, and reports of the several officers and dispensaries of the county and of all other persons presenting accounts and claims against the county, said auditor shall go back as far as he may deem advisable, or as far back as he may be directed by the grand jury of said county or the court of county commissioners of the county and in the exercise of such power and authority he is empowered to issue subpoenas for witnesses whom he may deem necessary to examine, to administer oaths to them and compel their attendance and he shall have power in the exercise of his duty to require officers and their clerks or deputies and those operating or connected with the several dispensaries in the county, whose books, accounts, records and papers are to be examined to produce

all records and papers pertaining to their office and to the conduct and management of the several dispensaries in the county and to give all information under oath that he may ask for concerning their official acts and to the management of said dispensaries. When the officer or clerk or dispenser or person connected with the management of the dispensaries refuses to comply with the requirements of this section or any witness fails to attend when summoned or refuses to testify the auditor must report the fact to the judge of the Walker county law and equity court or of the circuit court of Walker county who shall immediately issue a rule to each officer, clerk, dispenser or witness to show cause why he should not be committed to jail for contempt. On the day fixed for said rule if such has been served, such judge must examine such officer, clerk, dispenser or witness and unless some lawful reason is shown for such default or refusal must commit such offending person to jail unless he gives information or furnishes the records, books, accounts or vouchers called for or testifies as required by law.

Officers, etc.
to give information.

Section 7. That said auditor shall when directed by the governor examine any of the books of the county officials for the State and for such service shall receive the same compensation State examiners receive for similar services to be paid upon the order of the governor out of the general fund of the State.

Examine books
for State.

Section 8. That it shall be the duty of the auditor to examine and audit all accounts of the officers of the county of their clerks for stationery and material used by such officer or clerk, and it shall be his duty before such account or claim is ordered paid by the county commissioners to make his recommendation to such court as to the necessity and price to be paid for the stationery or material ordered by such officer or clerk and no account of any official or his clerk for stationery or material to be used by such official shall be paid or ordered to be paid by the court of county commissioners until such account is examined by

Accounts for
stationery, etc.

said auditor and recommendation made upon the same.

Claims item-
ized.

Section 9. That he shall require all claims of whatever description, of the county officials or employes against any of the several funds of the county to be accurately and fully itemized and shall be accompanied by the affidavit of the claimant stating the correctness of the same and that no portion of the claim has been paid, that no claim of any official of the county shall be registered against any fund of the county, unless the same shall have been first examined and passed upon by said auditor.

Fiscal officers
of county.

Forms pre-
scribed.

Section 10. That said auditor shall inspect the fiscal affairs of the county and make such reports to the State auditor and the grand jury of the county as the public interests may require. He shall by the approval of the State auditor, and in accordance with existing law, prescribe the forms to be used by all county officers in collecting and keeping the accounts of any one making returns of the county revenues and shall prescribe and form and manner of keeping the accounts, records, books and vouchers of the several dispensaries in said county.

Statement pub-
lished.

Section 11. That such auditor shall keep such general book as may be necessary in the proper conduct of the work in his office and as soon as practicable after the thirtieth day of September in each year publish a comprehensive statement of the fiscal affairs of the county, together with such comments and recommendations as he may deem of interest to the public.

Tax books in-
spected.

Section 12. That he shall inspect and verify the abstracting and indexing of the county tax books of each year as well as other clerical work done for the county.

Oath.

Section 13. That the auditor before entering upon the duties must take the oath of office prescribed by the constitution and give bond in the amount of two thousand dollars with good and sufficient sureties and payable and conditional as official bonds of other public officers and such

bond must be approved by and the oath of office filed with and recorded in the office of the probate judge of Walker county within thirty days after the appointment of the auditor whereupon he is required to enter upon his official duties. Bond.

Section 14. That it shall be the duty of the county commissioners to provide said auditor with suitable furnishings together with such books and stationery as he may from time to time require. Stationery and supplies for auditor.

Section 15. That it shall be the duty of said auditor and he shall have the power and authority, to audit and examine all accounts, claims and demands against the county incurred by the building, repairing, furnishing and equipping a court house, jail or bridge, or any other building structure or improvements by or for the county and it shall be his duty and he shall have power to examine and audit any and all accounts or claims against the county incurred or rising from the building, repairing, improving and maintaining the public roads and bridges in the county. Duty as to claims for bridges, jails, etc.

Approved, February 28, 1907.

No. 97.)

AN ACT.

(H. 76.

To regulate the trial and proceedings in criminal cases for the violation of the special local prohibition law for Bibb county, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this act all cases wherein the defendant is charged with selling, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or intoxicating beverages without a license and contrary to law within the limits of Bibb county, Alabama, or for a violation of the special or local prohibition law for said Bibb county, shall be tried exclusively by the circuit court of said county and said circuit court Trials regulated.

shall have exclusive jurisdiction of said cases, except such cases as may be pending in the county court of said county at the time of the approval of this act.

Solicitors fees. Section 2. That all solicitor's fees arising out of or collected as cost in any and all cases specified in section one of this act shall be paid to the treasurer of Bibb county, Alabama, to the credit of the general fund of said county.

Repeal. Section 3. That all laws or parts of laws in conflict with the provisions of this act so far as same conflicts with the provisions of this act, be and the same are hereby repealed.

Duty of County Solicitor. Section 4. It shall be the duty of the county solicitor of said county to prepare for trial the offenses named in this act and to assist in the prosecution of same before the circuit court of said county for which he shall not receive any compensation except that in case the fees now provided by law for him shall not equal in any one year the maximum sum which he may now by law receive, then in that event he may receive from the solicitors' fees taxed up as part of the costs in the class of cases named in this act a sufficient amount of said fees so taxed which added to the fees he has received in the prosecution of cases in the county court shall equal the maximum sum which he is at present allowed by law to receive, in any one year but the said solicitors' fees taxed up as part of the costs in the circuit court in these cases shall be paid over to the county treasurer of said county to be credited by him to the general fund of said county and said fees shall be immediately paid over by any officer to whose hands they may come to the county treasurer of said county, and it shall be his duty to pay to said county solicitor at the end of each calendar year from the solicitors' fees so paid over to him such an amount as will when added to the fees said county solicitor is entitled to receive from convictions in the county court of said county equal the maximum amount which he may now by law receive.

Approved, February 22, 1907

No. 98.)

AN ACT.

(H. 418.)

To fix, provide for and regulate the pay of State witnesses before the grand juries and circuit and county courts of Tuscaloosa county.

Section 1. Be it enacted by the Legislature of Alabama, That witnesses for the State in all criminal prosecutions attending before the grand juries and circuit and county courts of Tuscaloosa county shall be entitled to one dollar per day and three cents per mile actually traveled by the most direct route in going to court and returning home. Witness fees.

Section 2. That it shall be the duty of the clerk of the circuit and county courts to issue to each State witness attending before said courts when discharged a certificate for his or her per diem and mileage in accordance with this act, and shall keep a record of every such certificate so issued with its date and number and to whom issued and party against whom said witness was called and appeared. During the sitting of the grand juries in said county it shall be the duty of the foreman of the grand jury to issue to each witness regularly called and appearing before the grand jury a certificate for his or her per diem and mileage, in accordance with this act, and keep a record of every such certificate so issued, with its date and number and to whom issued and name of party against whom such witness was called and appeared. Certificates issued.

Section 3. That every certificate issued in accordance with the provisions of this act, must be paid in cash by the county treasurer out of the general fund upon presentation, endorsed on the back by the witness to whom issued. Certificates paid in cash.

Section 4. That it shall be the duty of the clerk of the circuit and county courts to provide a book of registry in which immediately after the adjournment of the grand jury he shall enter a list of all certificates issued by the foreman of the grand jury, in accordance with the provisions of this act, showing their date, number, amount and Certificates registered.

Fees for same.

names of parties to whom issued, and shall likewise provide a book of registry, in which he shall immediately after the adjournment of each term of court enter a list of certificates issued by him to state witnesses, in accordance with this act, showing the date, number, amounts and names of parties to whom issued; that said clerk immediately upon completion of the said registration file said book of registry with the county treasurer; that the said clerk for performing the duties required of him by this section of this act, shall receive three cents for each certificate registered, to be paid to him by the county treasurer out of the general fund upon the filing of said book of registry, with said treasurer. The county treasurer shall enter upon said register opposite the name and amount the date he paid said certificate and shall file said certificate as a voucher for said payment.

Witnesses
in more than
one case.

Section 5. That any witness attending on the same day as a witness for the State in more than one case shall only be entitled to pay in one case, and whenever a witness has attended as a witness for the State on the same day in more than one case the court may direct in which case a certificate may be issued.

When taxed
against de-
fendant.

Section 6. That the amount of all State witness certificates issued in any case must on conviction of the defendant, be taxed against the defendant, and collected of him as other costs, as is provided by law, and shall be paid into the county treasury to the credit of the general fund.

Invalidity of
section in op-
erative as to
act.

Section 7. That if any section or provision of this act be held or declared unconstitutional or void all other provisions hereof shall nevertheless be valid and of force.

Repeal.

Section 8. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 22, 1907.

No. 99.)

AN ACT.

(H. 158.)

To provide for and regulate the mode of selecting, drawing and empanelling grand and petit jurors, for the county of Mobile.

Section 1. Be it enacted by the Legislature of Alabama, That all male persons who are residents of the county of Mobile, and not under the age of twenty-one years, nor over the age of sixty-five years, are hereby declared to be subject to jury duty under the terms and provisions of this act, with the exception of such persons as are relieved from such service by the general laws of Alabama.

Persons liable
to jury duty.

Section 2. That a board of jury commissioners for Mobile county, to be known as the jury commissioners of Mobile county, is hereby established; the said commission shall consist of the judge of probate of Mobile county and three citizens of the State of Alabama, residing in Mobile county, to be appointed by the governor. The judge of probate of said county shall be president of said commission, and whenever it shall be impossible for him to be present, or in consequence of sickness or other cause he shall not be able to discharge the duties required of him in this act, then the other members of said board shall appoint one of their own number to act as president, and to perform the duties which the judge of probate shall not be able to perform. It shall not be lawful for said commission to act unless at least three of their number are present, and should it so happen, at any time, that two or more of the commissioners are incapacitated from acting, the governor shall appoint temporary commissioners to act, in stead of those incapacitated, during such incapacity. As soon as said commission shall be organized, the president thereof shall swear each member of said commission, faithfully, honestly and diligently to discharge all the duties imposed upon him by this act to the best of his ability. Some member of the

Board of Jury
Commission-
ers estab-
lished.

Members of.

Number re-
quired to be
present.

Oath.

commission shall administer to the president thereof the same oath. The terms of office of the jury commissioners appointed under this act shall be for four years, commencing at the expiration of the term of office of the present commissioners; and upon any vacancy occurring in said board by death, removal or resignation, such vacancy shall be filled by appointment by the governor of the state for the unexpired term. Said board shall employ a clerk to perform the duties required under this act of such clerk, who shall be paid for his services monthly at the rate of forty dollars per month and the judge of probate of Mobile county and each jury commissioner shall be paid for the services required of him by this act monthly at the rate of thirty dollars per month. Said compensation to judge, clerk and commissioners shall be paid out of the county treasury upon the warrant of said judge of probate or the acting president of said commission.

Term of office. jury commissioners appointed under this act shall be for four years, commencing at the expiration of the term of office of the present commissioners; and upon any vacancy occurring in said board by death, removal or resignation, such vacancy shall be filled by appointment by the governor of the state for the unexpired term.

Vacancy. Said board shall employ a clerk to perform the duties required under this act of such clerk, who shall be paid for his services monthly at the rate of forty dollars per month and the judge of probate of Mobile county and each jury commissioner shall be paid for the services required of him by this act monthly at the rate of thirty dollars per month.

Clerk of Board. Said compensation to judge, clerk and commissioners shall be paid out of the county treasury upon the warrant of said judge of probate or the acting president of said commission.

Salaries paid. Said compensation to judge, clerk and commissioners shall be paid out of the county treasury upon the warrant of said judge of probate or the acting president of said commission.

Section 3. That said commissioners shall be charged with the performance of the following duties, viz: Said commissioners shall procure four strong metal or wooden boxes provided with secure locks and keys, one of which boxes shall be marked city court jury box No. 1; one, city court jury box No. 2; one, circuit court jury box No. 1; one, circuit court jury box No. 2. Boxes, city court jury box No. 1; and circuit court jury box No. 1, shall be filled and delivered to the judge of probate, ready for use by the respective courts, on or before the first Monday in June, 1907, and shall be filled as follows: Out of the persons heretofore declared to be subject to jury duty under the provisions of this act, it shall be the duty of said commissioners to select two thousand persons who shall be competent in the opinion of said commissioners to discharge the duties of grand and petit jurors with honesty, impartiality, and intelligence, and who are esteemed in the community for their integrity, fair character and sound judgment, and who are not known by said commissioners to be exempt from

Duties of commissioners.

jury duty. Upon the completion of a roll or list of the jurors selected, said commissioners shall cause to be prepared slips of strong white paper of equal size and texture, on which shall be written in a plain and distinct hand the name of every person whose name has been entered on said roll, but only one person's name shall be entered on one slip. All persons on said roll residing within the city of Mobile shall have written on the slip bearing their names the word "city," and all persons who reside outside of said city limits shall have written on the slips bearing their names the letters "Co." After said slips have been prepared and folded, the said commissioners shall deposit them in "circuit court jury box No. 1," and "city court box No. 1," as follows: The slips shall first be placed in a common receptacle, from which said commissioners shall draw by lot, one at a time, one thousand slips, which shall be deposited as they are drawn in "circuit court jury box No. 1," the remaining thousand shall then be deposited in "city court jury box No. 1." Said boxes shall then be securely sealed and locked by the presiding officer of the commission and the boxes and keys thereof delivered to the judge of probate, who shall be the custodian of said boxes and keys except as hereinafter provided. The names of the persons so selected and drawn, with the residence of each one, shall be written in alphabetical order in two lists, each list to be signed by the presiding officer of the commission, with proper date thereof, one containing the names of the persons so drawn as jurors for the circuit court and the other names of the persons so drawn as the jurors for the city court, which list shall be entered in a well bound book to be known as the jury book of Mobile county, and this book shall be kept in the office of the judge of probate as a public record of said county. Within six months after depositing circuit and city court jury boxes Nos. 1 with the judge of probate, circuit court jury box No. 2 and city

court jury box No. 2 shall be filled with one thousand names each. All the provisions of this act relating to the filling of said boxes Nos. 1, except that no names in either of boxes Nos. 1 shall be placed in either of boxes Nos. 2.

Grand and
petit juries.

Section 4. That at least twenty days before any regular or special term of the city or circuit court which may be held in said county after the boxes have been prepared as directed in the preceding section of this act, it shall be the duty of the probate judge to call said commissioners together at his office, in order to draw the necessary grand jurors for such court that a grand jury is to be empanelled for, and a sufficient number of petit jurors to serve for the first two jury weeks in each court, of which drawing at least three day's public notice shall be given. When a sufficient number of said commissioners shall have met and organized, if a grand jury is to be drawn one commissioner shall in the presence of the rest, draw from the proper jury box one hundred names, from which twenty-four names of persons shall be selected by the jury commissioners, such as they consider most competent as grand jurors, which names shall be recorded as they are selected in the said jury book. The names of the persons so drawn and not selected shall forthwith be returned to the jury box, and those selected shall appear and serve as grand jurors at the approaching term of such court. Of the twenty-four names drawn and selected as grand jurors it shall be the duty of the court to empanel a grand jury of not less than fifteen. If on account of the absence, or excuse allowed by the court, the number of grand jurors is reduced below fifteen, the court shall order the clerks to draw in open court a number of names, which, in the opinion of the court, may be necessary to complete the grand jury, and such persons the sheriff shall be ordered to summons forthwith as grand jurors; and from those who appear the grand jury shall be completed, if enough appear to complete the grand jury up to fifteen; if not,

this process shall be continued until the grand jury is completed. The court shall have power to excuse any person summoned as a grand juror for good and sufficient cause. The names of all persons drawn as grand jurors, but not empanelled, shall be returned to the jury box. After the jury commissioners have drawn and selected the grand jury, one commissioner shall draw thirty-six names from the box in use for that court which shall be recorded as the petit jurors for the first jury week of said term, and in the same way thirty-six more names shall be drawn and recorded as petit jurors for the second jury week of said term; from these the court may empanel two juries of twelve each, and empanel eight as tales jurors for the week, to supply vacancies that may occur in regular juries. If from any cause the number of petit jurors for the week is reduced to below thirty-two, the court may order the clerk to draw from the jury box in open court such a number of names as may appear to be necessary to complete the regular and tales jurors to twelve, for each regular jury, and a sufficient number of tales jurors; and such persons the sheriff shall be ordered to summon forthwith, and from those who shall appear, the regular juries shall be completed to twelve, and a sufficient number of tales jurors. This process shall be continued until the regular juries are completed and a sufficient number of tales jurors empanelled. The court may at any time empanel only enough petit jurors to do the business of the week. The names of all persons drawn as petit jurors who are not empanelled shall be returned to the jury box; and it is further provided, that in all drawings of names to complete juries, grand or petit, no slip shall be considered drawn from said box, upon which is written the letters "Co." If such slip or slips be drawn, they shall be returned to said box and others drawn until the requisite number be obtained bearing the word "city." As soon as the jury commissioners have drawn the juries here-

Judge of probate to keep jury boxes.

in provided for, the box shall be locked and securely sealed by the presiding officer of said commission and the box and key delivered to the judge of probate. The slips which have been drawn shall be delivered immediately to the clerk of the court, who shall carefully preserve the same until the meeting of the court. It shall be the duty of said clerk to direct at once to the sheriff three writs; in one of which he shall be commanded to summon the persons drawn as grand jurors, and named in said writ to appear in court upon the day stated in said writ; in the other writs, the sheriff shall be commanded to summon for the first two jury weeks of the term the persons drawn as petit jurors and named in said writs to appear in court at the time stated in the writs. It shall be the duty of the judge of probate to retain the exclusive custody of the jury boxes of the city and circuit courts at all times, except as hereinafter directed and to provide a place of safe keeping for the same, so that the said boxes shall not be opened by any one after they have been delivered to him by the jury commissioners, except in open court under the order of the judge of the city court, or the judge of the circuit court, or the judge of probate as provided in this act.

Jury box delivered to clerk.

Jurors; how drawn.

Section 5. That after the city or circuit court shall have convened it shall be the duty of the presiding judge of the court, by an order in writing, as often as may be necessary during the term of the court, to direct the judge of probate to deliver to the clerk of the court, or his assistant, the jury box then in use for said court, with the key thereof, and the list of jurors, which box and list shall at once be delivered by the judge of probate to the clerk of the court and by him delivered to the judge of the court. It shall be the duty of the presiding judge of said court, to direct the clerk of the court, to draw out of the jury box, a sufficient number of jurors to serve for the remainder of the term of said court, as such jurors may be required for the business of said court. Such drawing shall be conducted in the follow-

ing manner: the presiding judge of the court, at such time as may be by him selected, shall direct the clerk of the court to draw in open court from the jury box then in use belonging to that court, thirty-six (36) jurors, whose names shall be recorded as they are drawn, and entered upon the minutes of the court, and such jurors shall be summoned by the sheriff to appear in such court for such week of the term as the presiding judge of the court may direct, and if the presiding judge of either court shall see fit at any drawing to direct the drawing of a sufficient number of jurors to serve for two weeks, he shall have the power so to order and said jurors shall be drawn and summoned accordingly. When any jury or juries, drawn and summoned under the terms of this section, shall be incompetent for any cause, the judge of the court shall direct the completion of said jury or juries or tales jurors in the manner as marked out for the completion thereof in section 5 of this act. In each of said courts as soon as the drawing of the jurors under the order of the court, is completed, it shall be the duty of each of said courts to lock and seal said jury boxes, and to deliver the same with the keys thereof to the judge of probate.

Section 6. That it shall be the duty of the clerks of each of said courts to carefully preserve all slips drawn from said jury boxes, whether said slips shall be delivered to them by the jury commissioners as directed in this act, or drawn by the said clerks themselves from the said boxes in open court, until said slips are disposed of as hereinafter provided. The names of all jurors drawn under this act, whom the sheriff shall be unable to serve, or who, after they have been served shall fail to attend or are for cause excused, shall be returned to the jury box from which they were drawn by the clerk of the court in which they are called, and fail to answer. Each juror may state to the judge, under oath, any permanent exemption he may possess for jury duty, or any reason

Completion
of jury.

Slips to be pre-
served.

Names return-
ed to jury box.

Jury may
state exem-
plifications.

Slip destroyed.

Slips replaced.

How empanelled and sworn

Wrong party summoned.

Challenges.
Number of

Defaulting jurors.

that he may have, why he should be excused from serving at the time for which he has been drawn. If the judge shall find that such juror is permanently exempt from jury duty he shall be discharged and the slip bearing his name shall be destroyed; but if such juror is excused for any good reason, the sufficiency of which the judge shall determine, the name of such juror shall be at once returned to the box from which it was drawn. Whenever any juror drawn and summoned under the terms of this act shall be actually sworn as a juror in either court, the slip bearing his name shall at once be destroyed in open court. If any of the slips in the custody of such clerk shall be lost or destroyed in any way before they shall be disposed of under the terms of this act, they shall be replaced by other slips prepared by such clerk, according to the directions contained in this act, in open court, under the inspection of the presiding judge.

Section 7. That all jurors drawn and summoned under the provisions of this act, shall be empanelled and sworn as the general law of this State directs. Should the sheriff fail to summon any one or more of the persons whose names are drawn from the jury box, or should the sheriff make a mistake and summon a person not drawn, it shall not be cause to quash the venire; in the event of a wrong person being summoned either the State or the defendant shall have the right to challenge such persons for cause. All juries organized under the terms of this act shall be subject to the same challenges for cause which the general law provides, except that no person shall be challenged on account of not being a household-er or freeholder. In other than capital felonies, the defendant shall be entitled to only ten peremptory challenges and the State six, and in cases of misdemeanors the defendant shall have five peremptory challenges and the State three. All defaulting jurors shall be subject to all penalties which the general law provides.

Section 8. That whenever any person stands

charged in the circuit or city court of said county with a capital offense, or whenever two or more persons stand so charged, who are to be tried together, it shall be the duty of either court, when such cause is set for trial, or at such time thereafter as the presiding judge may select, to make an order as to the number of jurors, in addition to the original thirty-six jurors who shall be drawn for the week in which such trial is fixed to take place, that shall be drawn for such trial of such accused person or persons. Such order shall fix the number of such additional jurors, not less than fourteen nor more than sixty four. The judge shall then direct the clerk to draw from the jury box, in open court, the number of additional jurors specified in such order, and as the names of such additional jurors are drawn they shall be entered upon the minutes of such court, and the slips so drawn shall be preserved by the clerk in a separate package until disposed of, as hereinafter directed. As soon as practicable after such drawing, the clerk shall direct a writ to the sheriff commanding him to summon the persons so drawn and named in the writ, to appear and serve upon the trial of such cause upon the day named in the writ. If the defendant is in actual custody, the sheriff shall deliver to him a copy of the indictment and the list of the jurors so drawn for his trial, including the original thirty-six jurors drawn for the week in which such trial is fixed to take place, at least one entire day before the day appointed for his trial. If the defendant is not in actual custody and has counsel whose names are entered on the docket, such counsel must, on application, be furnished at some time before the trial, with a copy of the indictment, and a list of the jurors drawn for his trial, including the original thirty-six jurors who may be drawn for the week in which such trial is fixed to take place. On the trial of a person or persons charged with a capital offense, the slips containing the names of the said thirty-six jurors for the week in which such trial is set, together with the slips contain-

Trial of persons charged with capital offense.

ing the names of the additional jurors drawn, shall be folded or rolled up and placed in a box, or some other substitute therefor, and shaken together, and such officer as may be designated by the court, must in the presence of the court, draw out such slips, one by one, until the jury is completed. But if said slips are all drawn out and the jury is not completed, then the judge shall direct the clerk to draw from the jury box a number of names which may appear to the court necessary to complete said jury, and the sheriff shall be directed to summon them to appear in said court at a time to be fixed by the court, and when his return is made the slips containing the names of such talesmen so drawn shall be placed in said box, or substitute therefor, and drawn out as hereinbefore provided; and if such number is exhausted and said jury is still incomplete, the same proceedings must be continued until such jury is completed. But it is expressly provided that in drawing any talesmen to complete any jury under the terms of this act, no slip shall be considered drawn from the jury box upon which is written "Co." If such slip be drawn, it shall be returned to the jury box and others drawn until the requisite number to be obtained bearing the word "city." If any slip be drawn under the provisions of this section be lost or destroyed, its place shall be supplied by another prepared by the clerk in open court, under the inspection of the presiding judge. In empanelling a jury, under this act, to try a person or persons charged with a capital offense, the court must inquire into and pass upon the qualifications of jurors in the manner prescribed by the laws of Alabama, and all challenges for cause shall be allowed to the State and to the defendant which the general law provides, except that no juror shall be challenged on account of not being a householder or freeholder, and the defendant shall have only fifteen peremptory challenges and the State ten. After such jury shall have been empanelled, the judge shall direct the clerk to return to the jury box the names of every

person drawn as a juror in such cause, except the names of such as have been actually sworn to try said cause, and of such as proved themselves to be permanently exempt from jury duty, and of those who have permanently removed from the county, and of those who are dead, and the names of the regular jurors empanelled for the week.

Section 9. That whenever a jury is required to try an issue in the probate court, the judge of the said court shall in the presence of two other jury commissioners, draw from the circuit court jury box then in use twenty-four names, which shall be recorded as they are drawn, in the jury book, and the persons so drawn shall be summoned by the sheriff to appear in such court upon the day fixed for the trial of such issue, as soon as a writ shall be directed to him by said judge of probate commanding him to do so. The said judge shall upon the day fixed for the trial of such issue, organize from those so drawn who shall appear, such jury in the manner now provided by law for the organization of juries in such probate court. And if the jurors so drawn should prove insufficient for any cause, the said probate judge shall have the power to complete such jury in the manner provided by this act for the completion of juries in the circuit and city courts. All entries made by said probate judge during such drawings shall be made in the jury book, and the names of all persons not actually sworn in or permanently exempt from the jury duty, shall be returned by him to such jury box. If the circuit court jury box then in use shall be in the custody of the said court at the time such jury is required in said probate court, it shall be the duty of said circuit court to deliver said box to said probate judge, so long as it may be required for said purpose.

Section 10. That to commence under this act, juries for the circuit court shall be drawn from the circuit court jury box No. 1 till it is exhausted by this act provided, and juries shall be drawn from the city court jury box No. 1 till it is exhausted as by this act provided, and then jurors

Jury in Pro-
bate court;
how drawn,
etc.

Boxes, Juries
drawn from.

for the respective courts shall be drawn from their respective boxes Nos. 2 till they are exhausted, then commencing with boxes Nos. 1 and so on.

Boxes refilled. Section 11. That whenever said jury commissioners shall ascertain the fact that less than one hundred names are contained in either of said boxes from which jurors are being drawn, it shall be their duty to convene and refill said boxes within six months, by a new selection in the manner provided by the fifth section of this act. No name shall be placed in the boxes that are being filled that are in the boxes in use by the courts. If, for any cause, the juries for either the city or circuit court cannot be obtained from the box in use, the necessary jurors may be drawn from the box of said court not in use. If names are drawn from the box not in use, the clerk of the court shall replace in said box the slips containing the names of those persons drawn therefrom but not empanelled and then in the presence of the judge will fasten and secure the box as it was fastened and secured when brought into court, and deliver the same with key to its proper custodian. The jury commissioners shall have the power, at any time, to examine the contents of the boxes in use to ascertain whether it is necessary to refill the same.

Provisions;
how construed.

Section 12. That the provisions of this act, in relation to the selecting, drawing and summoning of jurors, whether grand or petit, shall be construed as merely directory so far as the validity of the organization of such juries, grand or petit, shall be concerned. All juries drawn in substantial compliance with this act shall possess the power to perform all duties belonging to grand and petit juries respectively. But it is hereby expressly declared that the provisions of this act, so far as they impose duties upon any person or persons or upon any judge or court, are mandatory.

Section 13. That if at any time it shall ap-

pear that the seals of either of said boxes in use have been tampered with, or that either of said boxes have been unlawfully opened, it shall be the duty of the presiding officer of said commission forthwith to convene said commission, and to open the said box or boxes and to examine the contents thereof; and if, in the judgment of said commission, it appears that the same has or have been illegally changed so as to materially affect the said drawings, then said commissioners shall forthwith declare both of said boxes empty, and then proceed forthwith to refill the same de novo, according to the provisions of section———of this act. Any person guilty of fraudulently tampering with the seals of either of said boxes, or of unlawfully opening the same, or who shall be guilty of fraudulently adding to or subtracting from the number of the slips contained in said boxes, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than three years.

When boxes
opened un-
lawfully.

Penalty for
tampering with
boxes.

Section 14. That this act shall take effect from and after the date of its passage, so far as to authorize said jury commissioners to do all preliminary acts necessary to put the system defined in this act into operation, and this said commissioners shall with convenient speed proceed to do. But the present system of bringing jurors into the circuit and city courts of Mobile county shall not be discontinued in either of said courts, until the said jury boxes have been prepared and juries drawn for such courts under the provisions of this act. The existing system shall cease in either court so soon as juries are drawn for such court under the terms of this act. As soon as said boxes shall be filled under the terms of this act, the said commission shall certify the fact to the circuit and city courts.

Effect.

Section 15. That the jury commissioners of Mobile county now in office shall be the jury commissioners provided for by this act till the expiration of their present terms of office for which

Jury Commis-
sioners; who
are.

they were appointed, and thereafter the governor of the State shall appoint their successors.

Repeal.

Section 16. That all general laws in conflict with the provisions of this act are hereby repealed so far as Mobile county is concerned, and an act entitled "an act to provide for and regulate the mode of selecting, drawing and empanelling grand and petit jurors for the county of Mobile, approved—————1882," and all amendments thereto are expressly repealed when this act becomes effective, as provided in section—————hereof.

Approved, February 28, 1907.

No. 100.)

AN ACT.

(S. 101.

To provide for the compensation of the solicitor for Mobile county for the prosecution of criminal cases.

Salary.

Section 1. Be it enacted by the Legislature of Alabama, That the solicitor for Mobile county shall be paid each month out of the county treasury of Mobile county, the sum of three hundred dollars for his services in prosecuting criminal cases in said county.

Repeal.

Section 2. All laws or parts of laws fixing his compensation in conflict with the provisions of this act are hereby repealed.

Approved, February 22, 1907.

No. 101.)

AN ACT.

(S. 100.

To provide for the election of a solicitor for Mobile county.

Election of solicitor.

Section 1. Be it enacted by the Legislature of Alabama, That at the general election to be held in November, 1910, and every four years there-

after, a solicitor for Mobile county shall be elected by the qualified voters of such county.

Section 2. The solicitor so elected shall hold office for four years, beginning on the first day of December after his election, and until his successor shall be elected and qualified. ^{Term of office.}

Approved, February 22, 1907.

No. 103.)

AN ACT.

(H. 498.)

To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, or malt liquors, intoxicating beverages, bitters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county by any common carrier, and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters or intoxicating proprietary medicines from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving of orders for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous, or malt liquors, intoxicating beverages or intoxicating proprietary medicines in said county and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters or intoxicating proprietary medicines by any person in said county over any telegraph or telephone line, and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intox-

icating proprietary medicines to any point within this State, and to provide penalties for all such prohibited acts, and to repeal all laws in conflict herewith.

Sale, etc., prohibited. Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm, or corporation to sell, barter, exchange, give away, lend, deliver or otherwise dispose of any spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating bitters or intoxicating proprietary medicine in Lamar county, Alabama.

Unlawful to ship or bring into court. Section 2. That it shall be unlawful for any common carrier, person or corporation to ship, bring or carry into Lamar county from any place or point within this State for the use of any person other than himself, herself, or itself, or to procure or obtain for any other person in said county any spirituous, vinous, or malt liquors or intoxicating beverages or intoxicating bitters or intoxicating proprietary medicines.

Unlawful to take orders. Section 3. That it shall be unlawful to take or solicit in Lamar county any order or orders for spirituous, vinous or malt liquors, intoxicating beverages or intoxicating bitters or intoxicating proprietary medicine, or to carry within or from said county any such order or orders.

Unlawful to receive orders over telephone, etc. Section 4. That it shall be unlawful for any person or corporation in said county to order, give, receive or transmit any order or orders to any point within this State for himself or any other person or corporation over any telephone or telegraph line for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines, to be sent, shipped or brought into Lamar county.

Penalty. Section 5. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail, or sentenced to hard labor for the county for not less than three months, nor more than twelve months

and shall also pay a fine of not less than fifty nor more than five hundred dollars.

Section 6. That if any section, provision or part of this act shall for any reason be or be held ^{Invalidity of section; in-} by any court of competent jurisdiction to be inval- ^{operative as to} id, inoperative, or void the residue of this act shall not be thereby invalidated or affected.

Section 7. That this act shall go into effect and become operative from and after the date of ^{Repeal.} its passage, and that all laws, general or special, in conflict herewith be and the same are hereby ^{Repeal.} repealed.

Approved, February 22, 1907.

No. 104.)

A NACT.

(H. 425.

To amend section two of an act, "to create a separate school district in Midway, Alabama, to define its boundaries and provide for the maintenance of schools therein."

Section 1. Be it enacted by the Legislature of Alabama, That section two of an act entitled "an act to create a separate school district in Midway, Alabama, to define its boundaries and provide for the maintenance of schools therein," and approved February 23, 1899, be and the same is hereby amended to read as follows: ^{Section amended.}

Section 2. That on the first Monday in June, 1907, and every four years thereafter, the qualified voters of the said Midway school district, in Bullock county, Alabama, shall elect five trustees in and for said school district, two from township 13, range 25, and one from each of the other fractional townships in said district; which trustees shall constitute a board and shall hold their office from the first day of August next after said election for a term of four years and until their successors are duly elected; and said trustees shall have the authority and exercise all powers of township trustees as now or hereafter may be provided by law, and shall take ^{Trustees; how elected.} ^{Term of office.} ^{Powers, etc.}

full control and management of said schools and exercise for said district school all the duties, powers and privileges by this act conferred, and make and have made enumeration of children in the district and furnish to the county superintendent of education all such reports, statistics as are or may be required of township trustees of the general laws of the State.

Approved, February 26, 1907.

No. 105.)

AN ACT.

(H. 410.)

To prevent the selling, giving away or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors, in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries and to prescribe penalties for the violation of this act.

Unlawful to
sell, etc.

Section 1. Be it enacted by the Legislature of Alabama, That from the time this act goes into effect it shall be unlawful to sell, give away or otherwise dispose of spirituous, vinous and malt liquors, or other intoxicating liquors, within the county of Pike, otherwise than as provided in this act.

Dispensary
Commission-
ers.

Section 2. There is hereby created the office of dispensary commissioners for the city of Brundidge, which shall consist of five commissioners who shall reside during their term of office in the city of Brundidge, and J. N. Haisten, W. L. Fleming, J. C. Johnson, J. W. Roberson and Y. L. Bryan are hereby named as commissioners to fill said office of dispensary commissioners until their successors are elected and qualified in the manner hereinafter provided by this act, and it shall be the duty of said dispensary commissioners to set up, organize, manage, and control a dispensary for the sale of spiritu-

ous, vinous and malt liquors, within the fire limits of the city of Brundidge

Section 3. The term of J. N. Haisten shall be for one year from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided; the term of W. L. Fleming shall be for two years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided; the term of J. C. Johnson shall be for three years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided; the term of J. W. Roberson shall be for four years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, and the term of Y. L. Bryan shall be for five years from the time this act goes into effect, and until his successor is elected and qualified, as hereinafter provided. That the commissioners' court of Pike county shall at its last regular meeting in the year 1908 furnish the mayor and councilmen of Brundidge with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Brundidge shall at its next regular meeting thereafter elect from said names so furnished, one commissioner to succeed J. N. Haisten, and the commissioner's court shall at its last regular meeting in the year 1909, furnish the mayor and councilmen of Brundidge with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Brundidge shall at its next regular meeting thereafter, elect from said names so furnished one commissioner to succeed W. L. Fleming, and at its last regular meeting in the year 1910, the commissioner's court of Pike county shall furnish the mayor and councilmen of Brundidge with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and coun-

Term of office.

Successors;
how elected.

cilmen of Brundidge shall at its regular meeting thereafter, elect from said names so furnished, one commissioner to succeed J. C. Johnson, and the commissioner's court of Pike county shall at its last regular meeting in the year 1911, furnish the mayor and councilmen of Brundidge with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Brundidge shall at its next regular meeting thereafter, elect from said names so furnished, one commissioner to succeed J. W. Roberson; and the commissioner's court of Pike county shall at its last regular meeting 1912, furnish the mayor and councilmen of Brundidge with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Brundidge shall at its next regular meeting thereafter, elect from said names so furnished, one commissioner to succeed Y. I. Bryan, and at its last regular meeting in the year 1913, the commissioner's court of Pike county shall furnish the mayor and councilmen of Brundidge with the names of three men competent to discharge the duties of the office of dispensary commissioner, and at its next regular meeting thereafter, said mayor and councilmen of Brundidge shall elect from said names so furnished, one commissioner to succeed the first commissioner they elected; and so on annually said mayor and councilmen of Brundidge shall elect successors of said dispensary commissioners from the names furnished them by said commissioner's court in the manner provided above. And should any vacancy be caused in the office of said dispensary commission by death, resignation, or otherwise, said commissioner's court of Pike county shall at its next regular or called meeting, furnish the mayor and councilmen of Brundidge with the names of three men for each vacancy competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of

Vacancy.

Brundidge shall at its next regular or called meeting thereafter, elect from said names so furnished, one commissioner to fill such vacancy.

Section 4. It shall be the duty of the corporate authorities of the city of Brundidge to provide one-half and the commissioner's court of Pike county one-half of the funds necessary for setting up and carrying on said dispensary. Funds for dispensary.

Section 5. It shall be the duty of said dispensary commissioners to meet as soon as this act goes into effect and elect from their number a president, secretary, and treasurer, and acquire a good and sufficient bond from such treasurer, in the sum of \$3,000.00, which bond may be made by two good and sufficient sureties or by any bond company authorized to do business in this State, said bond when made must be approved by the judge of probate of Pike county and filed for record in the office of said judge of probate as other official bonds are filed. Said dispensary commissioners shall before entering upon the discharge of their duties take and subscribe, before the judge of probate of Pike county, an oath that they will faithfully and honestly discharge all the duties imposed upon them by this act. Officers of board. Bord. Oath.

Section 6. Said dispensary shall pay the regular state license as retailers of spirituous, vinous and malt liquors, but no county license shall be required. License.

Section 7. It shall be the duty of said dispensary commissioners to employ a dispenser at a salary not to exceed seventy-five dollars per month, who shall hold said position at the pleasure of said commissioners, and said dispensary commissioners shall employ such additional help as may be required for the proper and economical conduct of said business, but shall not employ more than two additional regular employees for said dispensary without first being authorized to do so by action of the mayor and councilmen of Brundidge, and shall not pay for the whole of such additional help, exceeding one hundred dollars per month unless authorized to do so by the mayor and councilmen of Brundidge. Dispenser; salary of, etc.

Bond of dispenser.

Duty of dispenser.

Purchase of liquors.

Section 8. Said dispenser shall before entering upon his duties as such dispenser, execute a bond, with two good and sufficient sureties, or in some bond company authorized to do business in this state, in the sum of \$500.00 to be approved by the judge of probate of Pike county and filed for record in said office of the judge of probate conditioned to faithfully account for all goods and moneys which shall come into his possession as such manager, and for the faithful performance of all duties required of him by this act; it shall be the duty of said dispenser to see that no liquors are sold except for cash and in sealed packages; and to see that no drinking of spirituous, vinous, malt or other intoxicating liquors, and no loitering be permitted in or about said dispensary, for which purpose he or any assistant whom he shall leave in charge, is authorized to call upon the police of the city of Brundidge to aid in enforcing the observance of these rules. He shall turn over all moneys received by him to the treasurer of the dispensary commissioners at the end of each day, take his receipt for the same, and report in writing to the secretary of said dispensary commissioners at the end of each week the amount of money turned over to said treasurer each day during said week, and on demand of said secretary, said dispenser must report to him in writing each day's sales. He must make to said dispensary commissioners reports monthly, or oftener if required by them, showing the amount of stock on hand, the amount sold, the amount on hand at the last report, amount in the receiving and filling department, amount in sales department, amount received since last report, amount transferred from receiving and filling department to sales department, and such other matter as may be necessary for a full and accurate understanding of the condition of said dispensary.

Section 9. Said dispensary commissioners shall purchase all the spirituous, vinous and malt liquors, and other intoxicating liquors sold by said dispensary, and they shall purchase the

same from persons who submit their net prices, and the proof of their liquors, in writing and sealed, provided said commissioners shall have the power to reject any and all bids, and it shall be the duty of said commissioners to keep said dispensary well supplied with a well selected stock of spirituous, vinous and malt liquors and to purchase the purest liquors practicable; and they shall have the power to employ a competent chemist to test the purity of said liquors, either before or after the same is bottled and sealed and delivered to the dispenser, they shall not permit the sale of any liquors containing any deleterious adulterations; and in order to insure the purity of all liquors sold by said dispensary, the commissioner's court of Pike county, and the mayor and councilmen of Brundidge, shall have power and authority to have samples of the liquors kept on hand, analyzed and tested, and the mayor and councilmen of Brundidge shall have power and authority to adopt such ordinances as to them may seem proper to prevent the sale of liquors containing injurious adulterations.

Section 10. That said dispensary shall not be opened on any day before sunrise, and shall be closed each day not later than six-thirty o'clock in the afternoon, and shall remain closed on Sunday, election days, and the day next before election days, and such other days as required by law.

Section 11. On the first days of January, April, July and October of each year, said commissioners of said dispensary shall pay to the treasurer of the town of Brundidge fifty per cent. of the net profits of said dispensary in lieu of all town license. And upon the dates named above the said dispensary commissioners shall make a division of the other fifty per cent. of the net proceeds of said dispensary between the Brundidge school district and the other school districts in Pike county, in proportion to the number of children within the school age as shown by the last preceding school cen-

sus, on the file in the office of the State superintendent of education. And upon such division being made, and on said dates above named, said dispensary commissioners shall pay to the trustees of the Brundidge school district, the amount so apportioned to said district, and shall, at the same time, pay to the treasurer of the Troy school district, the amount so apportioned to that district, and shall at the same time, pay to the county Supt. of education of Pike county, the balance of said net proceeds of said dispensary to be apportioned to the various school districts of Pike county in the same manner as the public school funds are appropriated by law to be applied in such way as the proper authorities of the public school districts of Pike county may deem best for the interest of said public schools either in the employment of teachers, or the building, repairing or equipping of school houses; it being the intention of this bill to divide the net proceeds of the dispensary herein provided for as follows: Fifty per cent. to the town of Brundidge and the other fifty per cent. to be divided between the Brundidge school district and the other districts in the county in proportion to the number of children in said districts as is now, or shall hereafter be shown by the official school census on file in the office of the State superintendent of education. Provided further, that the county superintendent of education shall receive two per cent. of the amount paid into his hands from such dispensary as full compensation for receiving and distributing such funds for the use of the public schools of Pike county outside of Troy and Brundidge.

Compensation
of County
Superintendent
of Education.

Section 12. Any person who shall drink any spirituous, vinous or malt liquors in or about the premises of said dispensary, shall be guilty of a misdemeanor and on conviction fined not less than ten nor more than fifty dollars. Provided that this shall not be so construed as to prevent the dispenser from examining and testing sam-

Penalty for
drinking in
dispensary.

ples produced by parties proposing to sell liquors for said dispensary, nor to interfere with the testing and analysis herein provided for.

Section 13. It shall be unlawful for any one ^{Loitering un-} to loiter in or about said dispensary, and any one ^{lawful.} who violates this section or refuses to leave said premises, after being requested so to do by said ^{Penalty.} dispenser, or assistant dispenser, shall be guilty of a misdemeanor, and on conviction be fined not less than ten nor more than fifty dollars.

Section 14. It shall be the duty of the mayor of Brundidge and of any justice of the peace, in ^{Liquors sold} Pike county, on complaint made, under oath that ^{otherwise;} there is good reason for believing that the busi- ^{duty of Mayor,} ness of selling spirituous, vinous or malt liquors is being engaged in on certain premises therein described contrary to the provisions of this act, to issue a search warrant requiring the sheriff or any constable of said county or policeman of the city of Brundidge to search said premises and bring before said officer or court, all spirituous, vinous or malt liquors found on said premises, and said officer or court shall thereupon fix a day not less than five, nor more than ten days thereafter for the hearing of the case, of which person who was found to be in possession of said liquors, (or if he cannot be ascertained, the owner or the renter of the building) shall have five day's notice ^{Liquors con-} to appear and show cause why said liquors should ^{demned.} not be condemned. If upon said trial it shall be found that said liquors were kept for the purpose of being sold, the said business shall be declared a nuisance and said liquor shall be condemned as forfeited under this act and shall be turned over to the mayor of Brundidge, who shall cause the same to be destroyed. If on said trial it shall be found that said liquors were not being used in violation of law and were kept for a lawful purpose, the same shall be returned to the party from whom the same were taken. The fact that said liquors amount to as much as five dollars and are in a place where are found bar fixtures or articles usually used in a liquor saloon, or the

fact that a U. S. liquor license is found in said premises or is held by the party in whose possession said liquors are found, shall be prima facie evidence of the truth of the charge alleged in the affidavit. Any liquor seized hereunder may be replevied until the day of trial as in attachment cases.

Unlawful to
otherwise sell.
Penalty.

Penalty.

Section 15. Any person selling, giving away or otherwise disposing of spirituous, vinous or malt liquors in the county of Pike contrary to the provisions of this act, shall be guilty of a misdemeanor and on conviction be fined not less than fifty nor more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding six months; and the fact that a party charged with said offense shall be found to have a license from the United States for the sale of spirituous, vinous or malt liquors, shall be prima facie evidence of guilt, or if he shall be found in possession of as much as five gallons of spirituous, vinous or malt liquors, it shall be prima facie evidence that he is guilty under this section.

Commissioners
may be re-
moved.

Section 16. The court of county commissioners of Pike county shall have the power and authority to remove from office the dispensary commissioners for violation of or failure to perform the duties herein imposed upon them, for violation of the laws of the State, or for corruption in office, or for becoming intoxicated by the use of spirituous, vinous or malt liquors, said proceedings to be upon complaint made under oath; and from any judgment hereunder, the defendant shall have the right to appeal to the circuit court by executing bond for cost.

Salary of com-
missioners,
etc.

Section 17. That the commissioners provided for in this act shall each receive a salary of fifty dollars per annum, provided, that the secretary shall receive seventy-five dollars per annum additional, and the treasurer shall receive one hundred dollars per annum additional.

Section 18. If said dispensary shall cease to be operated the prohibited features of this act

and the penalties herein provided, shall remain in full force and effect. It being the intention of this act that the prohibition of the sale of spirituous, vinous and malt liquors herein provided for, shall not be in any manner dependent on the validity of the dispensary features, but shall only be suspended to the extent and as herein indicated during the actual operation of the dispensary as herein provided. Liquors not to be sold if dispensary closes.

Section 19. The books of said dispensary shall be open at all times to investigation by the commissioners' court of Pike county and the mayor and councilmen of Brundidge. Books open to public inspection.

Section 20. That said commissioners shall semi-annually publish a report of the financial condition of said dispensary showing the receipts and disbursements, the amounts set aside for educational purposes, the amount paid into the city treasury of Brundidge, which report said commissioners shall cause to be published in some newspaper published in Pike county. Report.

Section 21. This act shall go into effect January 1st, 1908. Effect.

Section 22. Any commissioner, officer, manager, or employee, of said dispensary who receives any rebate or other compensation in connection with his duties as such commissioner, officer, manager, or employee, of said dispensary, otherwise than as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction must be fined not less than fifty, nor more than five hundred dollars. Rebates, etc. unlawful.

Section 23. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal.

Approved, February 26, 1907.

No. 106.)

AN ACT.

(H. 411.)

To prohibit the selling, giving away, or otherwise disposing of spirituous, vinous and malt li-

quors, and other intoxicating liquors in Pike county otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries, and to prescribe penalties for the violations of this act.

Unlawful to
sell, etc.

Section 1. Be it enacted by the Legislature of Alabama, That from the time this act goes into effect it shall be unlawful to sell, give away or otherwise dispose of spirituous, vinous and malt liquors, or other intoxicating liquors, within the county of Pike otherwise than as provided in this act.

Dispensary
commission-
ers.

Section 2. There is hereby created the office of dispensary commissioners for the city of Troy, which shall consist of five commissioners who shall reside during their term of office in the city of Troy and W. R. Sellers, Josh Copeland, Jr., W. A. McBryde, W. S. Sanders and T. L. Barom are hereby named as commissioners until their successors are elected and qualified in the manner hereinafter provided by this act, and it shall be the duty of said dispensary commissioners to set up, organize, manage and control a dispensary for the sale of spirituous, vinous and malt liquors within the fire limits of the city of Troy.

Term of office.

Section 3. The term of W. R. Sellers shall be for one year from the time this act goes into effect and until his successor is elected and qualified as hereinafter provided, the term of Josh Copeland, Jr., shall be for two years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, the term of W. A. McBryde shall be for three years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, the term of W. S. Sanders shall be for four years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, and the term of T. L. Barom shall be for five years from the time this act goes into effect and until his successor is elected and qualified as herein-

after provided. That the commissioners' court of Pike county shall at its last regular meeting in the year 1908, furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed W. R. Sellers, and the commissioner's court shall at its last regular meeting in the year 1909 furnish the mayor and council of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed Josh Copeland, Jr., and at its last regular meeting in the year 1910 the commissioners' court of Pike county shall furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed W. A. McBryde, and the commissioners' court of Pike county shall at its last regular meeting in the year 1911 furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed W. A. Sanders and the commissioners' court of Pike county shall at its last regular meeting in the year 1912 furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to suc-

Successrs;
how elected.

	<p>ceed T. L. Barom, and at its last regular meeting in the year 1913 the commissioners' court of Pike county shall furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and at its next regular meeting thereafter said mayor and councilmen of Troy shall elect from said names so furnished one commissioner to succeed the first commissioner they elected; and so on annually said mayor and councilmen of Troy shall elect successors of said dispensary commissioners from the names furnished them by said commissioners' court in the manner provided above. And should any vacancy be caused in the office of said dispensary commissioners, by death, resignation, or otherwise, said commissioners' court of Pike county shall at its next regular or called meeting furnish the mayor and councilmen of Troy with the names of three men for each vacancy, competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular or called meeting thereafter elect from said names so furnished one commissioner to fill such vacancy.</p>
Vacancy.	
Funds for dispensary.	<p>Section 4. It shall be the duty of the corporate authorities of the city of Troy to provide one-half and the commissioners' court of Pike county one-half of the funds necessary for setting up and carrying on said dispensary.</p>
Officers of board.	<p>Section 5. It shall be the duty of said dispensary commissioners to meet as soon as this act goes into effect and elect from their number a president, a secretary and a treasurer, and require a good and sufficient bond from such treasurer in the sum of \$5,000.00 which bond may be made by two good and sufficient sureties, or by any bond company authorized to do business in this State, said bond when made must be approved by the judge of probate of Pike county, and filed for record in the office of said judge of probate as other official bonds are filed. Said dispensary commissioners shall before entering upon</p>
Bond.	

the discharge of their duties, take and subscribe before the judge of probate of Pike county, an oath that they will faithfully and honestly discharge all the duties imposed upon them by this act. Oath.

Section 6. Said dispensary shall pay the regular State license as retailers of spirituous, vinous and malt liquors, but no county license shall be required. License.

Section 7. It shall be the duty of said dispensary commissioners to employ a dispenser at a salary not to exceed one hundred dollars per month, who shall hold said position at the pleasure of said commissioners, and said dispensary commissioners shall employ such additional help as may be required for the proper and economical conduct of said business, but shall not employ more than two additional regular employees for said dispensary without first being authorized to do so by action of the mayor and councilmen of Troy and shall not pay for the whole of such additional help exceeding one hundred dollars per month unless authorized to do so by the mayor and councilmen of Troy. Dispenser, salary, etc.

Section 8. Said dispenser shall, before entering upon his duties as such dispenser, execute a bond, with two good and sufficient sureties, or in some bond company authorized to do business in this State, in the sum of \$500.00, to be approved by the judge of probate of Pike county, and filed for record in the said office of the judge of probate, conditioned to faithfully account for all goods and moneys which shall come into his possession as such manager, and for the faithful performance of all duties required of him by this act; it shall be the duty of said dispenser to see that no liquors are sold except for cash, and in sealed packages, to see that no drinking of spirituous, vinous, malt or other intoxicating liquors, and no loitering be permitted in or about said dispensary, for which purpose he or any assistant whom he shall leave in charge is authorized to call upon the police of the city of Troy to aid in Bond of dispenser. Duty of.

enforcing the observance of these rules. He shall turn over all moneys received by him to the treasurer of the dispensary commissioners at the end of each day, take his receipt for same, and report in writing to the secretary of said dispensary commissioners at the end of each week the amount of money turned over to said treasurer each day during said week, and on demand of said secretary said dispenser must report to him in writing each day's sales. He must make to said dispensary commissioners reports monthly or oftener if required by them, showing the amount of stock on hand, the amount sold, the amount on hand at the last report, amount in the receiving and filling department, amount in sales department, amount received since last report, amount transferred from receiving and filling department to sales department, and such other matters as may be necessary for a full and accurate understanding of the condition of said dispensary.

Purchase of
liquors.

Chemist.

Samples kept.

Section 9. Said dispensary commissioners shall purchase all the spirituous, vinous and malt liquors, and other intoxicating liquors sold by said dispensary, and they shall purchase the same from persons who submit their net prices, and the proof of their liquors in writing and sealed, provided said commissioners shall have the power to reject any and all bids, and it shall be the duty of said commissioners to keep said dispensary well supplied with a well selected stock of spirituous, vinous and malt liquors, and to purchase the purest liquors practicable; and they shall have the power to employ a competent chemist to test the purity of said liquors, either before or after the same is bottled and sealed and delivered to the dispenser, they shall not permit the sale of any liquors containing any deleterious adulterations; and in order to insure the purity of all liquors sold by said dispensary the commissioners' court of Pike county, and the mayor and councilmen of Troy, shall have power and authority to have samples of the liquors kept on

hand, analyzed and tested, and the mayor and councilmen of Troy shall have power and authority to adopt such ordinance as to them may seem proper to prevent the sale of liquors containing injurious adulterations.

Section 10. That said dispensary shall not be opened on any day before sunrise, and shall be closed each day not later than six-thirty o'clock in the afternoon and shall remain closed on Sunday, election days and the day next before election days, and such other days as required by law.

Section 11. On the first days of January, April, July and October of each year, said commissioners of said dispensaries shall pay to the city clerk and treasurer of the city of Troy, Alabama, fifty per cent. of the net profit of said dispensary, in lieu of all city license. And upon the dates named above, the said dispensary commission shall make a division of the other fifty per cent. of the net proceeds of said dispensary between the Troy school district and the other school districts in Pike county in proportion to the number of children within the school age as shown by the last preceding school census, on file in the office of the State superintendent of education. And upon such division being made, and on said dates above named said dispensary commissioners shall pay to the treasurer at the Troy school district the amounts so apportioned to said district, and shall, at the same time, pay to the county superintendent of education of Pike county the balance of said net proceeds of said dispensary to be apportioned to the various school districts of Pike county in the same manner as the public school funds are appropriated by law, to be applied in such way as the proper authorities of the several public school districts of Pike county may deem best for the interest of said public schools, either in the employment of teachers or the building, repairing or equipping of school houses; it being the intention of this bill to divide the net proceeds of the dispensary herein provided as follows: Fifty per cent. to the city of Troy, and the other fifty per cent. to be divided

Opening and
closing of dis-
pensary.

Net proceeds.

Compensation
of County Super-
intendent of
Education.

between the Troy school district and the other school districts in the county in proportion to the number of school children in said district as is now, or shall hereafter be shown by the official school census on file in the office of the State superintendent of education. Provided further, that the county superintendent of education shall receive two per cent. of the amount paid into his hands from said dispensary fund as full compensation for receiving and distributing such fund as may be paid into his hands for the use of the public schools of Pike county outside of Troy.

Penalty for
drinking in
dispensary.

Section 12. Any person who shall drink any spirituous, vinous or malt liquors in or about the premises of said dispensary shall be guilty of a misdemeanor and on conviction be fined not less than ten nor more than fifty dollars. Provided this shall not be so construed as to prevent the dispenser or commissioners, from examining and tasting samples produced by parties proposing to sell liquors for said dispensary nor to interfere with the testing and analysis herein provided for.

Loitering un-
lawful.

Section 13. It shall be unlawful for any one to loiter in or about said dispensary and any one who violates this section or refuses to leave said premises, after being requested so to do by said dispenser, or assistant dispenser, shall be guilty of a misdemeanor and on conviction be fined not less than ten nor more than fifty dollars.

Penalty.

Liquors sold
otherwise;
duty of Mayor,
etc.

Section 14. It shall be the duty of the mayor of Troy and of any justice of the peace in Pike county, on complaint made under oath that there is good reason for believing that the business of selling spirituous, vinous or malt liquors is being engaged in on certain premises therein described, contrary to the provisions of this act, to issue a search warrant requiring the sheriff or any constable of said county or policeman of the city of Troy to search said premises and bring before said officer or court all spirituous, vinous or malt liquors found on said premises, and said officer

or court shall thereupon fix a day not less than five nor more than ten days thereafter for the hearing of the case, of which person who was found to be in possession of said liquors or if he cannot be ascertained, the owner or the renter of the building shall have five days' notice to appear and show cause why said liquors should not be condemned. If upon said trial it shall be found that said liquors were kept for the purpose of being sold, the said business shall be declared a nuisance and said liquors shall be condemned as forfeited under this act and shall be turned over to the mayor of Troy who shall cause the same to be destroyed. If on said trial it shall be found that said liquors were not being used in violation of law and were kept for a lawful purpose, the same shall be returned to the party from whom the same were taken. The fact that said liquors amount to as much as five gallons and are in a place where are found bar fixtures or articles usually used in a liquor saloon, or the fact that a U. S. liquor license is found in said premises or is held by the party in whose possession said liquors are found shall be prima facie evidence of the truth of the charge alleged in the affidavit. Any liquors seized hereunder may be replevied until the day of trial as in attachment cases.

Liquors condemned.

Section 15. Any person selling, giving away or otherwise disposing of spirituous, vinous or malt liquors in the county of Pike contrary to the provisions of this act, shall be guilty of a misdemeanor, and on conviction, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding six months; and the fact that a party charged with said offense shall be found to have a license from the United States for the sale of spirituous, vinous or malt liquors, shall be prima facie evidence of guilt, or if he shall be found in possession of as much as five gallons of spirituous, vinous or malt liquors, it shall be

Unlawful to otherwise sell.

Penalty.

prima facie evidence that he is guilty under this section.

Dispensary
Commission-
ers may be re-
moved.

Section 16. The court of county commissioners of Pike county shall have the power and authority to remove from office the dispensary commissioners for violation of or failure to perform the duties herein imposed upon them, or for violation of the laws of the State, for corruption in office, or for becoming intoxicated by the use of spirituous, vinous or malt liquors, said proceedings to be upon complaint made under oath; and from any judgment hereunder the defendant shall have the right of appeal to the circuit court by executing bond for costs.

Salary of com-
missioners,
etc.

Section 17. That the commissioners provided for in this act shall each receive a salary of fifty dollars per annum, provided, that the secretary shall receive seventy-five dollars per annum additional, and the treasurer shall receive one hundred dollars per annum additional.

Liquors not to
be sold if dis-
pensary closes.

Section 18. If the said dispensary shall cease to be operated the prohibitive features of this act and the penalties herein provided shall remain in full force and effect. It being the intention of this act that the prohibition of the sale of spirituous, vinous and malt liquors herein provided for shall not be in any manner dependent on the validity of the dispensary features, but shall only be suspended to the extent and as herein indicated during the actual operation of the dispensary as herein provided.

Books open to
public inspec-
tion.

Section 19. The books of said dispensary shall be open at all times to investigation by the commissioners' court of Pike county and the mayor and councilmen of Troy.

Report.

Section 20. That said commissioners shall semi-annually publish a report of the financial condition of said dispensary showing the receipts and disbursements, the amounts set aside for educational purposes, the amount paid into the city treasury of Troy, which report said commissioners shall cause to be published in some newspaper published in Pike county.

Section 21. This act shall go into effect January the first, 1908. Effect.

Section 22. Any commissioner, officer, manager, or employee, of said dispensary who receives any rebate or other compensation in connection with his duties as such commissioner, officer, manager, or employee of said dispensary, otherwise than as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction must be fined not less than fifty, nor more than five hundred dollars. Rebates. etc., unlawful.

Section 23. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal.

Approved, February 28, 1907.

No. 107.)

AN ACT.

(H. 620.

To amend an act entitled an act to amend section eleven of an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved October 1st, 1903.

Be it enacted by the Legislature of Alabama, Act amended.
That an act entitled an act to amend section eleven of an act to declare the power and jurisdiction of the city court of Gadsden, in Etowah county, Alabama, approved October 1st, 1903, be and the same is hereby amended so as to read as follows:

Section 11. That the solicitor of said court to be appointed as now provided by law, that is to say by the governor of the State of Alabama, shall hold office until the first Tuesday after the first Monday in November, 1910, and until his successor shall be elected and qualified and shall be styled the "solicitor of the county of Etowah;" that his successor in office shall be elected by the people of Etowah county, by the qualified voters thereof, in such manner and for such length of time as the laws of the State of Alabama may pre- Term of office of solicitor. Successor.

	scribe for the election of circuit solicitors, at the general election held for State and county officers in the year 1910, and every six years thereafter and said solicitor shall be charged with the performance of the same duties in said city court and subject to the same liabilities and penalties in respect thereto as are by law imposed upon circuit solicitors in like cases in the circuit court of this State; such solicitor shall be learned in the law, and at the time of his election or appointment shall be a resident citizen of Etowah county, and a qualified voter thereof, and shall remain a resident citizen during his term of office. Said solicitor shall be charged with the duty of prosecuting criminal cases in the city court of Gadsden and in the county court of Etowah county, and shall be subject to the same liabilities and penalties in respect thereto as are now imposed by law upon solicitors for the circuit and county courts of the State but he shall not be charged with the duties of the circuit solicitor of the circuit court of Etowah county but such duties shall be performed, by the circuit solicitor of the circuit court in which the county of Etowah is. On and after the 26th day of February, 1907, all the fees earned by said solicitor shall be paid into the county treasury of Etowah county, and such solicitor shall thereafter receive for his compensation as such solicitor the sum of one hundred and fifty dollars per month, payable out of the county treasury of Etowah county, on the 26th day of each month, upon the order of such solicitor and the said salary of said solicitor shall be a preferred claim against said county and receivable in payment of taxes dues the same, and it shall be the duty of the commissioners' court of Etowah county, at its first session after the 26th day of February, 1907, or as soon thereafter as may be, to set aside of the taxes of said county the sum of eighteen hundred dollars for the payment of the annual salary of the said solicitor and thereafter at its first session in each year, or
Liabilities and penalties.	
Qualifications	
Duty.	
Salary of.	
Duty of Commissioner's Court.	

as soon thereafter as may be to set aside of the taxes of said county the sum of eighteen hundred dollars for the payment of the salary of said solicitor, and should the commissioners fail to comply with this requirement they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars. Solicitors' fees in the said city court of Gadsden, and in the county court of Etowah county, shall be the same as those prescribed by the code for like convictions in the circuit courts of the State, and shall be paid in the same manner as fees are paid for convictions in the circuit court. Within ten days after the expiration of each term of court of the city court of Gadsden, the clerk of the said court shall make out a list of all the convictions secured during such term and the amount of the solicitor's fees in each case and deliver the same to the probate judge of Etowah county. Such clerk must also make out a list of all such fees collected by him during such term and deliver the same to said probate judge, and pay over to the treasurer of said county the amount so collected, and for the collection and payment of said fees, he shall retain five per cent. of the amount so collected for his commission.

Failure of
commission-
ers to dis-
charge duty.

Penalty.

Solicitor's fees.

Duty of Clerk.

Fees.

Approved, February 22, 1907.

No. 108.)

AN ACT.

(H. 376.)

To amend an act entitled "an act to create a board of public works for Tuscaloosa county, Alabama, and to define the powers and duties thereof" by adding thereto a section to be numbered section A, so as to make the members of the said board elective by the qualified electors of Tuscaloosa county at the general election in 1908, and at the general election every four years thereafter, and by adding a section to be numbered section 1B, providing that the members of said board

heretofore appointed by the Governor holding office on the date of the approval of this act shall continue in office until the qualification of their successors elected at the general election in 1908.

Act amended. Section 1. Be it enacted by the Legislature of Alabama, That an act entitled "an act to create a board of public works for Tuscaloosa county, Alabama, and to define the powers and duties thereof," approved September 29, 1903, be and the same is hereby amended by adding the following section to be numbered section I. A.:
 Election of members of board. Section 1. A. Be it further enacted, that the members of said board of public works shall be appointed by the governor, as provided in section 1 of this act, no longer than the general election for State and county officers in the year 1908, and at such general election in the year 1908 and at the general election every four years thereafter there shall be elected by the qualified electors of Tuscaloosa county a chairman and two associate members of said board of public works who shall hold their office for four years and until their successors are elected and qualified. Any vacancies in said board shall be filled by appointment by the governor.

Term of office of present members. Section 1. Be it further enacted that said act be and is hereby further amended by adding thereto the following section to be numbered section I-B:
 Section 1. B. Be it further enacted, That the members of said board of public works heretofore appointed by the Governor and in office at the date of the approval of this act shall continue to hold their said office until the qualification of their successors to be elected at the general election in 1908.

Repeal. Section 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.
 Approved, February 26, 1907.

No. 109.)

AN ACT.

(H. 363.)

To create the office of associate judge of the city court of Gadsden; to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties, and to provide for the payment of his salary.

Section 1. Be it enacted by the Legislature of Alabama, That the office of associate judge of the city court of Gadsden be and the same is hereby created; that the term of office of such associate judge shall be six years; that he shall be elected or appointed as hereinafter provided for; that such associate judge shall be a person over twenty-five years of age, learned in the law, and shall be a resident citizen of the county of Etowah for not less than twelve months, and a resident citizen of the State of Alabama, for not less than five years next before his election or appointment.

Office created.

Qualifications

Section 2. That immediately after the passage of this act, and at the present session of the Legislature, such associate judge shall be elected by the senate and house of representatives on joint ballot; that the person so elected shall hold office until January 1st, 1911, and until his successor is elected or appointed and qualified; that at the general election for State or county officers held for election of State or county officers in the year 1910, and every six years thereafter, such associate judge shall be elected by the people of Etowah county, and shall hold office six years from Jan. 1st, 1911, and until his successor is elected or appointed and qualified.

Election and term of office.

Section 3. That the associate judge of the city court of Gadsden shall have and exercise all the jurisdiction and powers by law now conferred, or which may hereafter be conferred, upon the judge of the city court of Gadsden; that it shall be the duty of the associate judge of said city court to organize, charge and direct the proceedings of grand juries, organized for said court, as is now

Jurisdiction and powers.

Duties of.

provided by law, to receive their reports and to discharge them, or reconvene them as now provided by law; and to preside over the trial of all criminal cases in said city court of Gadsden; that he may from time to time adopt rules to facilitate the business relating to the trials of criminal cases pending or to become pending in said court, not contrary to law, such rules to be entered upon the minutes of said court, which rules may be changed or annulled by the supreme court of the State. That in case of sickness, absence, or disqualification of the judge of the city court of Gadsden, the associate judge shall preside in his stead in the trial of equity and civil causes in said court, and he may preside over trials of equity in civil causes, in said court, if requested in writing to do so by the judge of said court; that the said associate judge shall have power to grant writs of injunction, habeas corpus, mandamus, quo warranto, prohibition and other remedial writs or supervisory writs, which are now, or may be hereafter conferred by law upon the judge of the city court of Gadsden, and upon judges of the circuit courts and chancellors in the State of Alabama.

Incompetency
of Associate
Judge to try
causes.

Section 4. That in the event the associate judge of the city court of Gadsden should from any legal cause be incompetent to try, hear or render judgment and determine, any criminal cause pending in said city court of Gadsden, and in the event of the absence, sickness or other disqualifying cause of the associate judge of the city court of Gadsden, the judge of the city court of Gadsden shall do and perform all the duties of associate judge and shall have power and jurisdiction to hear, try, and determine criminal causes in the city court of Gadsden. And if requested in writing to do so by the associate judge of the court, the judge of the city court of Gadsden shall preside in his stead in the trial of criminal causes.

Section 5. That all appeals in criminal causes from the justice courts of Etowah county shall be

made returnable to the city court of Gadsden, and all appeals from the mayor's court of the city of Gadsden, and from the mayor's court of the city of Attalla, shall be made returnable to the city court of Gadsden, and shall be triable in said city court, de novo, before and by the associate judge of the city court of Gadsden. ^{Appeal from justices courts etc.}

Section 6. That the salary of the associate judge of the city court of Gadsden shall be eight hundred (\$1,800.00) dollars per annum, payable monthly out of the State treasury, upon warrants drawn by the auditor, as circuit court judges are now by law paid. ^{Salary of Associate Judge}

Section 7. That vacancies in the office of associate judge of the city court of Gadsden shall be filled by appointment of the governor, and such appointee shall hold office for the unexpired term, and until his successor is elected or appointed and qualified. ^{Vacancies.}

Approved, February 23, 1907.

No. 110.) AN ACT. (H. 512.)

To establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court; and to prescribe rules and procedure for said court.

^{Court established.}

Section 1. *Be it enacted by the Legislature of Alabama*, That there be, and hereby is, established in and for the county of Morgan a court of law and equity, which shall be called the Morgan county law and equity court, and which court shall have and exercise the jurisdiction, functions and powers which are now, or may hereafter be, by law, conferred upon the several circuit, chancery and city courts of the State. When exercising the jurisdiction, functions, and power of courts of law, said court shall conform to the rules of procedure and practice in the circuit courts of this State, except as otherwise provided in this act, and when exercising the powers, functions, and jurisdiction of courts of equity it shall conform to the rules of proced- ^{Jurisdiction of}

Presiding
judge may
adopt rules.

Rules entered
on minutes of
court and not
to conflict
laws of State
or rules of su-
preme court.

Governor to ap-
point judge,
term of office.

Successor
elected, term
of office.

Oath.

Qualifications.

Powers of
judge.

ure and practice in chancery courts of this State, except as otherwise provided herein. Provided, that the presiding judge of said court shall have power to make and adopt such rules or practice as may be required by a proper system of practice for said court, and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court, and shall not be in conflict with any of the laws of the State, or the rules of the Supreme Court, and may be changed or annulled by the supreme court of the State.

Sec. 2. That as soon after the approval of this act by the governor as practicable, the governor shall appoint a judge for said court, whose term of office shall begin immediately upon his appointment and qualification, and continue until the general election in the year 1910, and until his successor is elected and qualified at the said general election in the year 1910, and every six years thereafter, a judge of said court shall be elected by the qualified electors of said county, whose term of office shall be for six years from the date of his election, and until his successor is elected and qualified. The judge of said court so appointed and elected as herein provided, shall, before entering upon the duties of his office, take the oath of office required by law to be taken by the judge of the circuit courts of Alabama. The judge of said court, at the time of his appointment and election, shall have been a citizen of Morgan county, Alabama, for a period of one year next preceding his election, and shall be not less than twenty-one years of age, and shall be learned in the law.

Sec. 3. The judge of said Morgan county law and equity court shall have and exercise all the powers, functions and jurisdiction which are, or may hereafter be, lawfully exercised by the judges of the circuit courts and chancellors of the State, including authority to issue writs of injunction, prohibition, *ne exeat*, and all other writs which are now, or may hereafter be, law-

fully issued by judges of the circuit courts, chancellors, and judges of the city courts of this State. Vacancies in the office of judge shall be filled by the governor, and the person so appointed shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term, and until his successor is elected and qualified. That the judge of said court may hold court for circuit judges and chancellors of this State, and circuit judges and chancellors of this State may hold the said Morgan county law and equity court for the judge thereof, when it is deemed proper so to do, and shall do so when directed as authorized by law. That the judge of said court may be impeached or removed from office for the same causes and in the same manner as is required by law for the impeachment or removal from office of judges of the circuit courts.

Vacancy, how filled.

Judge may hold court for circuit judges and chancellors.

Impeachment of.

Sec. 4. That the clerk of the circuit court of said county shall be ex-officio clerk of said Morgan county law and equity court on the law side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties in said court as in like cases in the circuit court, and shall be entitled to the same fees as in like cases in the circuit courts now, or hereafter, allowed by law. The said court shall adopt the seal for the law side of the court, which shall be in the custody of the said clerk. That the office of said clerk, during his term of office, and the records thereof, shall be kept at the court house of said county.

Clerk of circuit court ex officio clerk; duties and penalties.

Seal of court.

Sec. 5. That the register in chancery of the chancery court of said county shall be ex-officio register of said Morgan county law and equity court on the equity side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties, as in like cases in the chancery court now, or hereafter, provided by law. The said court shall

Register in chancery ex officio register of said court.

Powers and penalties of such register.

Seal.	adopt a seal for the equity side of said court which shall be in the custody of said register. That said register shall be entitled to the same fees as in like cases in the chancery court now,
Fees of register.	or hereafter, allowed by law. That the office of said register, during his term of office, shall be kept at the court house of said county.
Where court held.	Sec. 6. That said court shall be held at the court house of Morgan county, or such other place as may be designated by the presiding judge in cases of emergency. There shall be
Terms of court.	two regular terms of said court in each year, one to be known as the spring term and one as the fall term. Special jury terms may also be
Special jury terms.	held when, in the opinion of the judge of said court, they shall be necessary for the proper transaction of the business therein, for which
Juries for same.	terms the judge shall enter an order on the minutes of the court, and juries for such special terms must be drawn and summoned in the
Temporary adjournments.	same manner as is now, or may hereafter be, provided by law for drawing and summoning juries for special terms of the circuit court; provided, that there may be temporary adjournments of said court during the terms thereof, such as may be deemed expedient and proper by the judge of said court.
Terms of.	Sec. 7. That the spring term of said Morgan county law and equity court shall begin on the first Monday in February of each year, and may continue in session for five months. The fall
Time of holding.	term of said court shall begin on the first Monday in September of each year, and may continue in session for four months, or during the remainder of the year. Provided, that the first
Power of judge as to terms, etc.	term of this court shall convene on the first Monday after thirty days from the approval of this act. The said Morgan county law and equity court shall be held in each year as may be determined and fixed by the presiding judge; that the judge of said court is hereby authorized to fix the time and manner of holding the session of said court; and the week or weeks in which

equity cases shall be tried and a week or weeks for the trial of cases in which a jury has been waived by the parties thereto, as provided in this act; a week or weeks for the settling of pleadings and forming of issue in cases which trial by jury, as provided in this act, had been demanded by the parties thereto; a week or weeks for the trial of civil cases at law in which trials by jury have been demanded; a week or weeks for the trial of criminal and quasi criminal cases pending upon the dockets of said court; provided, that such times so selected and fixed by the judge shall be entered of record upon the minutes of said court, and such times of holding the court shall be fixed as soon as practicable after the appointment and qualification of said judge. Provided, the times so fixed for holding such session of the courts may be amended or changed by the judge at any time and in any manner he may deem advisable such change and amendments to be entered upon the minutes of the court. Provided, further, that no case in which a jury is demanded, as provided for in this act, shall be set down for a trial of the issues of fact at a day less than thirty days from the time at which the pleadings are settled and issues formed. Provided, further, that no civil case at law in which a trial by jury has been demanded stands for trial at any jury term of said court until and before the pleadings therein have been settled, and an issue or issues of fact have been formed; and, provided further, that all jury cases in which the pleadings therein have been settled, and an issue or issues of fact have been formed; and, provided further, that all jury cases in which the pleadings have been settled and the issues formed shall stand for trial at the term of said court immediately following the settling of the pleadings and the forming of the issue or issues therein; and it is hereby made compulsory and mandatory upon the judge of said court, at the terms thereof provided for the settling of pleadings and the forming of issues as hereinbefore provided, to settle

Regulations as to trial of cases.

the pleadings and to form the issues in all civil cases in which trial by jury are demanded. After the pleadings in any such civil case have been settled, and the issue or issues formed, as herein provided, there shall be no further pleadings therein, except matters occurring subsequent to the settling of the pleadings, at or during the jury term at which the same stands for trial, nor amendments allowed therein; provided, that at any time during the trial, and while the trial of the case is in progress, either party may be allowed to amend so as to meet any phrase of the evidence not covered by the previous pleadings then in the case that may be developed on the trial; provided, that the amendments herein and hereby permitted shall be allowed only upon such terms and conditions as the justice of the case may require.

Proceedings in civil cases as to defendants.

Sec. 8. In all civil cases at law in said court the defendants therein shall be required by the summons therein served upon them, to appear and plead or demur to the complaint within thirty days after such service of summons and complaint upon them, whether the said service shall be made in term time or in vacation; and in all cases commenced by attachment the defendant shall appear and demur or plead within thirty days after the levy of the attachment and service of notice thereof, or in case the suit is against a non-resident, or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication; and in all other cases the defendant must appear and plead and demur within thirty days after the perfection of service upon him; and in all cases, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing for more than thirty days after service has been perfected upon him, or notice of appeal given, to appear and demur or plead shall be held to be in default, and at any time thereafter judgment by default, on motion of the plaintiff, shall be rendered against him,

Proceedings in cases commenced by attachment.

provided that the court may, for good cause shown, allow such judgment, so obtained by default to be set aside and demurrer or pleas to be filed on such terms as the court may think just; but no application to set aside such judgment, unless it be for some reversible error, committed in the rendition thereof, shall be entertained by the court, unless accompanied by an affidavit made by the defendant, his agent or attorney, setting forth defendant's defense to such suit, and provided that the court's action in granting or refusing to grant such judgment by default and for setting aside such judgment, or refusal to set aside such judgment, may be appealed from and such action and ruling be reviewed by the supreme court of Alabama, upon the appellant in such case giving good and sufficient word to be approved by the clerk.

Right of appeal.

Bond required.

Sec. 9. In all cases, whether commenced by summons and complaints, attachment or otherwise, the issue and questions of fact shall be tried by the court without the intervention of a jury, unless the jury be demanded by one of the litigant parties to said cause, prior to or immediately upon the settling of pleadings and the forming of an issue or issues of facts in such cause, and that thereupon and thereafter such cause is placed upon the trial docket of said court, that such demand must be entered of record at the time such demand is made; that this provision shall apply to all cases brought by appeal or certiorari from judgments of justices of the peace, notaries public ex-officio justice of the peace, or where inferior tribunals, except cases in which the amount involved is less than twenty dollars, all which cases shall be tried by the court without the intervention of a jury.

Cases tried without jury, unless jury demanded.

Sec. 10. That whenever by reason of any ruling or decision of the court on the trial of the cause, either upon pleadings, admission or rejection of evidence, or upon charge to the jury, it may become necessary for the plaintiff to suffer a non-suit, the facts, point, ruling or decision

Facts for view by supreme court.

may be reserved for the review and decision of the supreme court by bill of exception or by appeal on the record as in other cases.

When case tried without a jury; demands of parties.

Sec. 11. In all cases tried by the court without the intervention of a jury, either party may, in writing, demand of the judge trying such case that he finds the facts specially, and of a special finding be requested, the court must state in writing the facts as it finds them, and such statement, with the judgment of the court, must be entered on the minutes.

Jurisdiction over appeals from justices of the peace, etc.

Sec. 12. That this court hereby established shall have jurisdiction of all appeals from justices of the peace, or notaries public ex-officio justices of the peace, or other courts of inferior jurisdiction in Morgan county, that all original and mesne processes, notices, citations, and writs scire facias shall be executed instanter and returned immediately upon the execution thereof by the officer receiving and executing the same. That all appeals in civil cases at law from inferior courts to said Morgan county law and equity court shall stand for trial when reached on the regular call of the docket at any time after ten days' notice of the suing out of such appeal shall have been given to the adverse party, as now required by law, subject to the conditions hereinbefore expressed relating to the settling of pleadings and forming of issues in jury cases.

Trial of appeals in civil cases.

Garnishments answer required.

Sec. 13. That all garnishments issued from said court shall require an answer thereto within thirty days after the service thereof; and upon a failure of any garnishee to make answer within thirty days he shall be deemed in default and a judgment nisi may be rendered against him upon motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi, and unless otherwise ordered by the court, all citations, rules, writs of scire facias and notices issuing from said court shall require the party against whom they are issued to appear and plead within thirty days after the service there-

of; if the citation or notices are to be given by publication within thirty days after the perfection of service by publication; and all cases, whether commenced by summons and complaint, attachment, or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant and his pleading, or, if he does not appear within thirty days after the perfection of service upon him, at the end of such thirty days.

Sec. 14. The jury commissioners of Morgan county shall on the day after the adjournment of the last regular term of the court of county commissioners held in each year, or as soon thereafter as practicable, proceed to draw from the jury box grand and petit jurors for each term of the said Morgan county law and equity court to be held during the next ensuing year, in the same manner and under the same regulations as is now prescribed by law for the drawing of grand and petit jurors in the circuit courts and shall envelop, seal and address the same, with the endorsement on the outside of each package, to the clerk of said court. Provided, that said jury commissioned shall, within thirty days from the approval of this act, meet and draw the petit jurors for the jury weeks of said court for the weeks provided for a jury trial in the manner set out in section seven in this act, also, grand jurors, if ordered to do so by the judge of this court, and said petit jurors for said week shall be summoned by the sheriff of said county and empanelled for the trial of causes as is now provided by law for the summoning and empannelling of juries for the trial of civil cases in the circuit courts.

Duty of jury
Commission-
ers as to
drawing ju-
ries.

Sec. 15. That in the trial of any cause at law without a jury in said court, in addition to the questions which may be, under existing laws, presented to the supreme court for review, either party may, by bill of exceptions, also present for review the conclusions and judgment of the court upon the evidence, and his special finding of the

In non jury
cases conclu-
sions of court
presented to
supreme court
for review.

facts; and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and in such case, if they find that there is error, they shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings, as to the supreme court shall seem right.

**Jurisdiction of
supreme court.** Sec. 16. That the supreme court of this State shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner and in the same cases as such jurisdiction may be exercised over the circuit court or the judge thereof, and the chancery courts or the chancellors thereof; and

**How appeals
taken.** appeals may be taken from the judgments, orders and decrees of said court to the supreme court in the same manner, within the same time, and in the same cases as appeals are taken from judgments, orders or decrees of the circuit and chancery court to the supreme court.

**Change of
venire.
manner of.** Sec. 17. The venue in any case in said Morgan county law and equity court may be changed to other counties than Morgan, under the same rules and regulations as govern changes of venue in the circuit court.

**Execution; is-
sued.** Sec. 18. That after ten days from the rendition of any judgment or decree, unless otherwise directed in said judgment, the clerk or register of said court shall issue execution returnable as herein provided. Provided, however, that nothing therein contained shall prevent any person from having execution issued within said ten days, upon making affidavit as now provided by law, in relation to the issue of execution upon judgments in the circuit court, and provided further, that nothing herein contained shall prevent the superseding of execution after the issue thereof, upon filing bond as now required by law.

**General laws
apply to.** Sec. 19. That all laws of general nature now in force or that may hereafter be enacted giving jurisdiction to the circuit court and chancery court, shall be held to extend and apply to said

court, although the said court may not be mentioned therein, unless the contrary be expressly provided and unless they are contrary to the provisions of this act or the rules of practice which the judge of said law and equity court may adopt under this act.

Sec. 20. That all bills of exceptions relating to the trial of causes, civil and criminal, in said court, must be signed by the presiding judge of said court within thirty days after the day on which the issue or issues of fact to which said bill of exceptions relate was tried, unless the time for signing such bill of exception is extended as is now or may hereafter be, authorized by law, respecting the signing of bills of exception in the circuit court.

Bills of excep-
tions; signing
of.

Sec. 21. That final judgment and decrees rendered in said court shall, after the expiration of thirty days from their renditions, be taken and deemed as completely beyond the control of the court, as if the term of said court, at which said judgments and decrees are rendered, had ended, at the end of said thirty days; provided, however, that nothing herein contained shall prevent the parties from applying for a new trial or rehearings within said thirty days, or destroy or change the office of motion for new trial or rehearings when so made, or shall prevent parties from applying to said court for rehearing under the statute authorizing applications for rehearing in the circuit court, or shall prevent the court from retrying any cause under the laws of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgments or the chancery court touching final decrees.

Final judg-
ment and
decrees.

Sec. 22. That all witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify, and unless they prove their attendance within that time their fee shall not be taxed as

Witnesses
must prove
attendance.

costs, nor shall they be recoverable against either party.

Duties of
sheriff.

Sec. 23. That the sheriff of said county shall be in person or by deputy required to attend said court, preserve order, and execute and return its process, and perform such other duties in all respects as in the circuit and chancery courts of this State, and he shall furnish all subordinate officers that may be necessary to expedite the business of said court the same as he is, now required to do under the law governing him as officer of the circuit and chancery courts of this

Fees of officers
and witnesses.

State, the fees of the officers of said court for services rendered, and the compensation of jurors and witnesses therein shall be the same as are now or may hereafter be allowed for like services in the circuit and chancery courts of this State.

Salary of
judge.
How paid.

Sec. 24. The salary of the judge of said Morgan county law and equity court shall be twenty-five hundred dollars per annum, payable on his order on the county treasury of Morgan county, Alabama, monthly, at the end of each month, and such claim shall be a preferred claim against the county.

Bill of excep-
tions how ten-
dered.

Sec. 25. The bill of exceptions must be tendered by the party supposing himself aggrieved, stating the point, charge, opinion, or decision, wherein the court is supposed to err, with such a statement of the facts as is necessary to make it intelligible; and, if correctly stated, it is the duty of the presiding judge to sign the same, which therein becomes a part of the record. If the judge fail or refuse to sign a bill of exception, the point of decision and the facts being stated, he is guilty of a high misdemeanor in office; and the supreme court must receive with evidence of the facts as may be deemed by it satisfactory, and proceed to hear the cause as if the bill had been signed by the judge, but application must be filed in the supreme court to establish such bill of exception within thirty days from the refusal or failure of such judge to sign said bill.

Failure of
judge to sign.

If the judge dies, resigns, or is impeached, or his term of office expires, or if from other good cause he does not sign a bill of exceptions duly presented to him within the proper time, the bill of exception may be established in the supreme court as provided herein, but the application to the supreme court to establish the same must be filed in the supreme court in or before the next call of the division of said court of the causes of the county in which the case was tried, after the death, resignation, impeachment or the expiration of the term of office of such judge, and in no case can such application be filed after one year from the rendition of the judgment or decree.

Bill of exceptions may be established.

Sec. 26. That the deputy solicitor for Morgan county shall be a solicitor of said Morgan county law and equity court until the general election in the year 1908, and his successor is elected and qualified. At the said general election in the year 1908, and every four years thereafter, a solicitor for said court shall be elected by the qualified electors of said county, whose term of office shall be four years from the date of his election, and until his successor is elected and qualified. The solicitor for said court so elected as herein provided, shall, before entering upon the duties of his office, take the oath of office required by law to be taken by the solicitor of the circuit courts of Alabama. The solicitor for said court, at the time of his election, shall have been a citizen of Morgan county, Alabama, for a period of one year next preceding his election, and shall be not less than twenty-one years of age, and shall be learned in the law.

Deputy solicitor to act as solicitor.

Election and term of office of solicitor.

Oath.

Qualifications.

Sec. 27. The solicitor for said court shall receive as compensation for his services the same fees as are taxable by law for solicitors in criminal cases in the circuit courts of this State to an amount not exceeding fifteen hundred dollars to be taxed and collected in said court in the same manner as such fees are taxed and collected in said circuit courts, and said fees shall be paid to him instead of the State, and the said so-

Compensation of solicitor.

licitor of the said court shall have a claim against the fine and forfeiture fund for his fees in cash when convictions are secured and the fees cannot be collected.

Jurisdiction of causes triable by county court.

Sec. 28. The said Morgan county law and equity court hereby created shall have jurisdiction of all causes now triable by the county court of Morgan county, and all causes now pending in the county court of Morgan county shall be, by the clerk of the circuit court, who is ex-officio clerk of said county court, immediately transferred to the Morgan county law and equity court and such causes shall stand for trial in said court. That prosecution of all misdemeanors may be instituted in the Morgan county law and equity court, as is now provided by law for instituting such proceedings in the county court of Morgan county, Alabama, and that affidavits and warrants issued by the justices of the peace, and notaries public with powers of justices of the peace, or other officers authorized to issue such process, may be made returnable to the said Morgan county law and equity courts and when so returned shall stand for trial in said court.

Transfer of same provided for.

When jury quashed, fail to attend, etc., duty of court.

Sec. 29. That whenever, for any cause, a jury, grand or petit, shall be quashed by the court, or shall fail to have been drawn or summoned, or if drawn and summoned, shall fail to attend, the court may forthwith order the sheriff to summon from the qualified citizens of Morgan county a jury or juries to serve for any time specified or ordered by the court; and such jury so summoned shall be competent and valid to try all causes pending in said court and perform all other duties as if such jury were regularly drawn and summoned for said court.

Indictments returnable to said court.

Sec. 30. That all indictments found by the grand jury of the circuit court of Morgan county, charging the commission of a misdemeanor shall be made returnable to the said Morgan county law and equity court; that all civil causes now pending in the circuit court must, in demand of either party to said cause, or their at-

torney in writing made within thirty days after the approval of this act, and filed with the clerk of the circuit court, be transferred forthwith for trial to this court hereby established, and the clerk of the said circuit court, shall transfer to and file in the court herein established all the original papers in such causes, together with certified copies of all dockets and minute entries in said cause, thereupon this court herein established shall have exclusive jurisdiction of said cause; said causes so transferred shall be placed in the trial docket of this court in the numerical order in which they occupied in the trial docket of the circuit court, and have the same right of precedence and priority they had in the circuit court.

Civil cases pending in circuit court may be transferred.

Sec. 31. That the solicitor for said court may be impeached or removed from office for the same causes, and in the same manner, as is required by law for the impeachment or removal from office of solicitors of the circuit courts of the State.

Solicitor may be impeached or removed from office.

Sec. 32. That there may be a grand jury for said court; that the judge of said court be, and he is hereby, authorized and empowered to order that a grand jury be summoned, and to organize and impanel the same, at any time that he may deem proper and advisable; that such order for the summoning and empaneling of said grand jury shall be entered upon the minutes of said court; that such grand jury shall have power and authority, and it shall be its duty, to investigate all matters and make all recommendations which the grand jury of the circuit court of Morgan county has authority to do or make.

Grand jury for said court.

Power and authority of.

Sec. 33. Whenever any trial is commenced before a jury, and cannot be completed during the week in which the same began, then such trial shall continue into the next week, and until it shall be completed, and such jury shall continue to serve until such case is ended. Provided, that juries for the trial of capital cases shall be drawn, summoned and empanelled as is now, or may hereafter be, provided by law for drawing, summoning and empanelling juries for the trial

When trial begun before a jury and not completed in same week.

Juries for trial of capital cases.

Challenges.

of capital cases in the circuit courts of the State. The challenges of juries shall be the same as is now, or may hereafter be, provided by the law in the circuit court of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided in this act.

Fees, and fines paid into the fine and forfeiture fund.

Sec. 34. That all fees, (in excess of the solicitor's salary) and all fines and forfeitures accruing from the prosecution and trial of criminal causes in this court shall be paid into the fine and forfeiture fund of Morgan county.

Purchase of supplies.

Sec. 35. That the clerk and the register, with the approval of the judge of this court, are hereby authorized to purchase all necessary furniture, records, stationery supplies for the equipment and maintenance of said court; that the same shall be paid for out of the county treasury upon warrant by the judge and countersigned by the clerk or register.

Effect.

Sec. 36. That this act shall go into effect immediately after its approval by the governor.

Approved February 25, 1907.

No. 111.)

AN ACT.

(H. 541.

To grant into the register in chancery of the chancery court of Jefferson county the power to exercise and perform on any day in term time all the duties and functions conferred upon him by law, and on any day in term time to grant and enter decrees pro confesso and any and all other decrees and orders which a register in chancery may grant or enter.

Powers of register in chancery in term time.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, the register in chancery of the chancery court of Jefferson county shall have power to exercise and perform on any day in term time all

duties and functions conferred upon him by law, and on any day in term time he shall have the power to grant and enter decrees pro confesso and any and all other decrees and orders which a register in chancery may grant or enter.

Approved, February 22, 1907.

No. 112.)

AN ACT.

(H. 286.)

To amend sections 2, 11, 15, 17, 19 and 26, and to repeal section 16 of an act entitled an act to provide for the better working of the public roads in Crenshaw county, Alabama, approved March 4, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That sections 2, 11, 15, 17, 19, and 26, of an act entitled an act to provide for the better working of the public roads of Crenshaw county, Alabama, approved March 4, 1903, be and the same is hereby amended so as to read as follows: That section 2 be amended so as to read as follows: That the court of county commissioners, at a meeting to be held within twenty days after the passage of this act, and on the second Monday in November, 1908, and every second year thereafter must divide the county into a convenient number of road districts, and must appoint three ^{Sec. 2 amended} ^{County divided} ^{into road dis-} ^{tricts.} superintendents of public roads for each election precinct in the county and one overseer for each road district, who shall be not less than twenty-one nor more than forty-five years of age. cause whatsoever escape the duty required of him required by law, if called by the overseer; and a record of the road districts and of the appointment of superintendents and overseers shall be made and kept by the court of county commissioners. ^{Superintend-} ^{ents, and over-} ^{seers.} ^{Vacancies.}

Section 2. That section 11 be amended so as to read as follows: That all persons not less than eighteen nor more than forty-five years of age

are liable to work the public roads, except females, those who live in an incorporated town and work on the streets of the same or pay a street tax, school district trustees, members of the county school board, maimed or disabled persons who procure a certificate of disability from the county medical board or two reputable physicians, and all other persons who are now exempted under the general road law.

Section 3. That section 15 be amended so as to read as follows: That when any one makes default he may come before the overseer within five days with his excuse, as provided in section fourteen of this act, and the overseer may excuse him in so far as not to return him before a justice of the peace; but no road hand shall for any cause whatever escape the duty required of him in working the public roads the number of days required by law, if called by the overseer; and when in default and not returned, he may discharge the duty imposed on him by doing any reasonable amount of work assigned to him by the overseer, or he may pay to the overseer a commutation fee of not less than one nor more than three dollars for each day he was in default; and any road hand failing presently to pay the commutation fee, or promptly and satisfactorily to do the work assigned shall be guilty of a misdemeanor and shall be forthwith returned as a defaulter.

Section 4. That section 16 be and the same is hereby repealed.

Section 5. That section 17 be amended so as to read as follows: That it shall be the duty of the justices of the peace to turn over all monies received by them as fines from road defaulters to the overseer of the road to whom said defaulter was apportioned at the time, making an entry of the same on their docket and such overseers shall, with the money so received together with all the commutation fees received or collected by him, hire hands to work on the road to which such defaulter and those paying a commutation fee were

Sec. 11 amended.

Persons liable for road duty.

Sec. 15 amended.

Roadhands must work or pay fee.

Sec. 16 repealed.

Sec. 17 amended.

Fines of defaulters; disposition of.

at the time apportioned, and such overseer shall before the meeting of each grand jury, make out a full and complete statement of the amount of money received by him, when and from whom received and how and to whom paid, and shall turn the same over to one of the road superintendents of the precinct who shall present it to the first grand jury thereafter, and any overseer or superintendent failing herein shall be guilty of a misdemeanor.

Section 6. That section 19 be amended so as to read as follows: That the superintendents and overseers shall, for their prompt and faithful service as superintendent and overseer for a term of two years, be exempted from road duty for one year. All overseers, school district trustees who have served as such for two years immediately preceding the first meeting of the court of county commissioners mentioned in section two of this act shall be exempted from road duty for one year.

Sec. 19 amend.
Exemptions from road duty.

Section 7. That section 26 be amended so as to read as follows: That all laws of a general or special character in harmony with this act are unaffected by its provisions, but all laws of a general or special character in conflict with its provisions are hereby repealed. Provided that the word "apportioner" in any general or special road law shall be construed to mean superintendent.

Sec. 26 amend-
Repeal provisions.

Approved, February 22, 1907.

No. 113.)

AN ACT.

(H. 569.)

To repeal an act entitled an act to provide for the sale of liquor in the precinct of Mooresville, in Limestone county, Alabama, approved September 9, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to provide

Act repealed.

for the sale of liquors in the precinct of Mooresville, in Limestone county, Alabama, approved September 9, 1903, be and the same hereby is in all things repealed.

Approved, February 23, 1907.

No. 114.)

AN ACT.

(H. 367.)

To require the tax assessor and tax collector of Franklin county, Alabama, to visit the voting places in each election precinct in Franklin county, Alabama, once each year, for the purpose of assessing and collecting taxes: That said tax assessor and collector shall each keep his office open at the court house of said county the entire month of December of each year.

Assessor and collector to visit precincts.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, the tax assessor and tax collector of Franklin county, Alabama, shall visit each election precinct in said county once each year and remain there one day, from 8 o'clock a. m. until 4 o'clock p. m.

Time of beginning round.

Section 2. That said tax assessor and tax collector shall make the said one round beginning not earlier than October 15th, of each year.

Office open at court house during December.

Section 3. That from and after the passage of this act, the tax assessor and collector of Franklin county, shall each keep his office open at the court house of said county, with all the records belonging thereto the entire month of December of each year.

Approved, February 22, 1907.

No. 115.)

AN ACT.

(H. 528.)

To repeal an act, entitled an act to provide for the payment of fines and forfeitures in Tallapoosa county, Alabama, approved February 17, 1899.

Section 1. Be it enacted by the Legislature of Alabama, That an act to provide for the payment of fines and forfeitures in Tallapoosa county, Alabama, which reads as follows: "Section 1. Be it enacted by the general assembly of Alabama, That after the passage of this act all fines in Tallapoosa county shall be paid in money," approved February 17, 1899, be and the same is hereby repealed. Act repealed.

Approved, February 22, 1907.

No. 116.)

AN ACT.

(H. 415.)

For the relief of Wm. H. Clemons an ex-confederate soldier of the county of Tallapoosa, Alabama. Whereas, William H. Clemons, a resident citizen of Tallapoosa county, Alabama, a disabled confederate soldier, duly made application for relief under the act for the relief of needy confederate soldiers and sailors resident citizens of the State of Alabama and their widows—for his pro rata than of the money appropriated by the State of Alabama for the years 1894 and the said application met all the requirements of the law, but without fault on his part his application was mislaid, lost or destroyed and he failed to receive his pro rata share of said pension fund, and whereas, on Preamble.

account of old age and disease and only having one arm he is unable to earn a living by manual labor.

Auditor required to draw warrant.

Treasurer required to pay same.

Section 1. *Be it enacted by the Legislature of Alabama*, That the auditor of Alabama is hereby authorized and required to draw his warrant upon the treasury of Alabama, in favor of William H. Clemons of Tallapoosa county, Alabama, for the sum of thirty-six dollars (\$36.00) and the treasurer of the State of Alabama shall pay said warrant out of the pension funds in the State treasury not otherwise expended.

Approved February 22, 1907.

No. 117.)

AN ACT.

(H. 648.

For the relief of E. Pippin, a confederate pensioner of Clark county, Alabama.

Auditor required to draw warrant.

Payment of same.

Whereas, E. Pippin, a needy confederate soldier of Clark county, was on the pension roll of said county, and entitled to participate in the distribution of the fund for "the relief of needy confederate soldiers," under act approved February 10, 1899, and whereas, during the year 1906 the State board of pension examiners, through error, had the name of said E. Pippin stricken from said roll as dead, thereby depriving him of the amount due under distribution of said fund made on October 1st, 1906; be it enacted by the legislature of Alabama, that the auditor of said State be and he is hereby authorized and directed to draw a warrant on the treasurer of the State in favor of said E. Pippin for the sum of thirty dollars, the same being the amount due him as a confederate pensioner of said county for the year 1906, said amount to be paid out of the funds appropriated especially for confederate pensioners of said State.

Approved February 22, 1907.

No. 118.)

AN ACT.

(H. 98.)

To repeal an act, to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses out of the same, approved February 8, 1901, and an amendment thereto, entitled an act, to repeal section one of an act to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses, approved February 8, 1901, and to amend section three, ten and eleven of said act, so far, as the same relates to Cullman county, approved September 22, 1903, so far as the same relates to Cullman county.

Section 1. Be it enacted by the Legislature of Alabama, That the act to regulate the fine and forfeiture fund of Blount and Cullman counties and to provide for the payment of State witnesses out of the same, approved February 8, 1901, and an amendment thereto, entitled an act to repeal section one of "an act to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses, approved February 8, 1901, and to amend section three, ten and eleven of said act so far as the same relates to Cullman county, approved September 22, 1903," be and the same is hereby repealed in so far as the same relates to Cullman county, Alabama. Acts repealed.

Approved, February 22, 1907.

No. 119.)

AN ACT.

(S. 247.)

To provide for the holding of a term of the circuit court of the fifth judicial circuit at Goodwater, in Coosa county, and to regulate the same.

Court held at
Goodwater.

Section 1. Be it enacted by the Legislature of Alabama, That there shall be held a term of the circuit court of the fifth judicial circuit, or any other circuit in which Coosa county may be placed by any past or future act of the Legislature of Alabama, at Goodwater, in Coosa county, commencing on the fifth Monday after the fourth Monday in February, and the fifth Monday after the Fourth Monday in August of each year, and shall continue two weeks.

Time and du-
ration of.

Jurisdiction of
court.

Section 2. Be it further enacted, That said court shall have jurisdiction to try and determine all civil causes in which the defendant, at the time of the commencement of the suit, is a resident citizen of election precincts number three, Socapatoy, number four, Goodwater, number five, Mt. Olive in Coosa county. Also when the defendant is a resident of Coosa county, and the cause of the action arises in either of said precincts numbered three, four, and five; also when the defendant is a corporaton doing business in any of said precincts, and the cause of action arises, or the plaintiff resides in any of said precincts.

Transfer of
cases.

Section 3. Be it further enacted, That all causes pending in the circuit court of Coosa county, in which the defendant or defendants, reside at the time the suit was commenced, in precincts numbered three, four and five in Coosa county, and all causes against corporations where the cause of action originated in either of said precincts at the time suit was begun, shall be transferred from the dockets of said court at Rockford, to the dockets of said court to be held at Goodwater, and shall stand for trial at the first term of said court.

Section 4. Be it further enacted, That said court shall be presided over by the judge of the fifth judicial circuit, as is now provided by law in this State, so long as Coosa county continues in said circuit, and then by the judge of the circuit in which Coosa county is situated.

Presiding
Judge.

Section 5. Be it further enacted, That the clerk of the circuit court of Coosa county shall be ex-officio the clerk of said court and he shall be required to procure and keep all necessary dockets and records for the use of said court, and the dockets, records and papers pertaining to said court shall be kept at Goodwater. Said clerk of the circuit court of Coosa county shall keep an office at Goodwater in which the records, books and papers pertaining to said court shall be kept, and shall also, what time he is not at said office, keep a deputy clerk in said office who shall be authorized and empowered to discharge in the name of the clerk of the circuit court of Coosa county, all the duties of said office pertaining to the business of said court at Goodwater. Said books, records and papers shall at times be open for inspection by said court and its officers. The said clerk of the circuit court of Coosa county, and said deputy at Goodwater, shall do and perform all acts pertaining to said court, as is now required of the clerk of the circuit court of Coosa county in reference to matters in the circuit court of said county.

Clerk of;
Duties of.

Section 6. Be it further enacted, That the sheriff of Coosa county, shall be required to keep an office in the court house at Goodwater and keep the same open in person or by deputy for the reception and service of all instruments, and the transaction of all business that may be, or that is now, required of him by law; and shall attend upon each term of said court, and procure for the use of said court all the digests and law books owned by the county, and for the transportation of said books the commissioners' court of said county shall issue a warrant payable to the sheriff for the amount actually expended by him for said purposes.

Sheriff;
duties of.

Summons,
where return-
able.

Section 7. Be it further enacted, That all summons or process issued under the provision of this act, shall be returnable to the court at Goodwater, and so designated in said summons or process.

Jurors.

Section 8. Be it further enacted, That there shall be twenty-four jurors drawn and summoned for each term of said court, in the same manner as now prescribed by law for drawing and summoning jurors in Coosa county, from the qualified jurors who reside in precincts number three, four and five of Coosa county, which said jurors when so drawn and summoned, shall attend and serve upon the said court under the pains and penalties now provided by law for the service of jurors upon the circuit court of Coosa county. Said jurors shall be drawn from a box, as now provided by law, except that there shall be no names in the box except the names of the qualified jurors of said precincts numbered three, four and five.

First term of
Court.

Section 9. Be it further enacted, That the first term of said court shall be held on the fifth Monday after the fourth Monday in August, 1907, or as soon thereafter as there shall be erected a court house at Goodwater, suitable for holding of said court without cost to the county of Coosa, as far as the court house is concerned.

Bond of sheriff
and clerk.

Section 10. Be it further enacted, That before entering upon the discharge of the duties under the provisions of this act, the sheriff and clerk shall each make and execute bond in the sum of two thousand dollars, conditioned as now required by law for the faithful performance of their duties under the provisions of this act, provided that after the expiration of the present term of said sheriff and clerk, the bonds that are now required of them by law shall be liable for the faithful discharge of their duties under the provisions of this act, and the failure of the sheriff or clerk to make said bonds with sufficient sureties and conditioned as required by this act within thirty days after this act is approved by

the governor, shall work a forfeit of their respective offices.

Section 11. Be it further enacted, That the provisions of this act shall not go into effect until the erection of said court house, as above provided, except for the purpose of drawing said juries. ^{Effect.}

Approved, February 28, 1907.

No. 129.)

AN ACT.

(S. 176.)

To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts; fix their term of office, prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties.

Section 1. Be it enacted by the Legislature of Alabama, That the county of Montgomery is hereby divided into three revenue districts, to be known as the northern, southeastern and south-western. The northern district shall be composed of and include the city of Montgomery and the territory now embraced in precincts known as Old Elam (18), Kendall's (19), Walker's (20) and Mt. Meigs (21). The southeastern district shall be composed of and include the territory now embraced in precincts known as Dooley's (8), Porter's (12), Pine Level (13), Dublin (14), and Pike Road (17). The southwestern district shall be composed of and include the territory now embraced in precincts known as McGhee's (9), Kellough's (10), Robinson's Cross Roads (11), Tucker's (15) and Union Academy (16). ^{County divided into revenue districts.}

Section 2. That the board of revenue of Montgomery county shall consist of five members, three members thereof to be elected by the qualified voters of the northern district, one member to be elected by the qualified voters of the south- ^{Territory comprising districts.} ^{Members of board; how elected.}

	eastern district, and one member to be elected by the qualified voters of the southwestern district.
When elected.	Section 3. At the general election in 1908 and every four years thereafter, the qualified voters of the several districts shall elect the members of said board as herein provided. The term of office of the members shall be four years, beginning on the second Tuesday after the first Monday in November, 1908, and until their successors are elected and qualified.
Term of office.	
Qualifications	Section 4. That the members of said board at the time of their election and during their term of office shall be resident citizens and qualified voters of the district they represent.
Vacancy; how filled.	Section 5. That in event of a vacancy on said board, by reason of death, resignation, or removal from the district of a member, or for any other cause, such vacancy shall be filled by appointment of the governor. Such appointee, who must be a resident citizen and qualified voter of the district he represents, shall hold office for the unexpired term of his predecessor.
Members appointed.	Section 6. At the expiration of the term of office of the present members of said board, the governor shall appoint their successors, who shall be resident citizens and qualified voters of the district they represent. Such appointees shall hold office until the second Tuesday after the first Monday in November, 1908, and until their successors are elected and qualified.
Qualifications	
Term of appointment.	
President of Board.	Section 7. That said board shall elect one of its members to preside over their deliberations when in session, but such selection shall not relieve such member from voting. Each member shall be required to vote on all questions presented for consideration and in case of an aye and nay vote, the president shall vote first.
Members must vote.	
Clerk of board.	Section 8. That a majority of the members of said board shall appoint some competent person as clerk of said board at a salary not to exceed in all, eighteen hundred dollars per annum, payable monthly. Said clerk shall not be a member of the board nor shall he have any vote or voice
Salary of.	

in its deliberations. The duties of the clerk shall be prescribed by the board and he shall hold office at their pleasure. Said clerk shall execute a bond in the sum of five thousand dollars, payable to the county of Montgomery for the faithful performance of his duties.

Duties.

Bond.

Section 9. All laws or parts of laws both general and special, in conflict with the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, February 28, 1907.

No. 130.)

AN ACT.

(H. 598.)

To provide for holding separate terms of the chancery court of Coffee county in the eleventh district of the south eastern chancery division of the State of Alabama, at Enterprise, Alabama, and to regulate the holding of such court, to provide accommodations and equipments therefor; making its jurisdiction and powers the same as the jurisdiction and powers it exercises when sitting at Elba in said county; providing for the transfer of causes from the said court sitting at one of said places to the said court at the other place; investing the chancellor of said court and register at Enterprise with all the powers conferred by law upon chancellors and registers in this State.

Section 1. Be it enacted by the Legislature of Alabama, That there shall be held at Enterprise, Alabama, in each year two terms of the chancery court for Coffee county in the eleventh district of the south eastern chancery division for the State of Alabama, for the trial of causes and for the exercise of such other powers and jurisdiction as pertain to chancery courts in this State, said court to be presided over by the chancellor for said south eastern chancery division or in case of his disa-

Chancery

court at Enterprise.

Time and du-
ration of
terms.

bility, or failure to attend, then by such person as is now or may hereafter be provided by law in such cases. The terms of said court at Enterprise shall commence on the first Monday in March and on the first Monday in September in each year and shall continue for one week or for so much of such period as may be necessary to transact the business of said court at Enterprise.

Jurisdiction
and powers.

Section 2. Be it further enacted, That the said chancery court at Enterprise and the chancellor and register thereof shall have and exercise all the jurisdiction and powers which are now, or may hereafter, be conferred by law on the chancery courts, chancellors and registers of this State and which they now or may hereafter by law exercise at Elba in said county of Coffee.

Laws appli-
cable regulating
court.

Section 3. Be it further enacted, That all laws now in force regulating and governing said chancery court for the county of Coffee at Elba, and all rules of practice pertaining thereto and governing the powers of the chancellor and register of said court and which may hereafter be enacted or promulgated, shall be of force and apply to the said chancery court held at Enterprise under this act and to the chancellor and register thereof.

Accommoda-
tions.

Section 4. Be it further enacted, That the court of county commissioners for Coffee county shall at the expense of said county provide and maintain suitable and convenient accommodations and equipment for the said court, its terms, and officers at Enterprise, Alabama, and provide for such other expenses as may be necessary or incident to said court.

Register in
chancery; lia-
bilities, duties,
etc.

Section 5. Be it further enacted, That the register of the chancery court for Coffee county shall exercise all the powers and discharge all the duties and be subject to all the liabilities attaching to his office in connection with said court and the terms thereof, herein provided to be held at Enterprise in said county; that it shall be the duty of said register to keep an office at Enterprise and to provide and keep therein all the nec-

essary dockets, records, papers, printed blanks and documents adapted to and connected with the business of said court at Enterprise or pertaining thereto; that the said register shall keep said office open as required by law of registers in chancery, and shall attend the said court at Enterprise in person or by deputy; that he shall appoint a deputy who shall reside at Enterprise and the deputy so appointed shall, at Enterprise, for and in the name of said register exercise and discharge all the powers and duties and be subject to all the liabilities now or hereafter vested in or imposed by law upon registers in chancery in this State and shall take the oath prescribed by law for registers; that said deputy may be required by the said register to enter into a bond with surety or sureties, in the penalty of two thousand dollars, payable to the State of Alabama and conditioned faithfully to discharge the duties of his office during the time he may continue therein, or may discharge any of the duties thereof which bond must be approved by the register by whom he is appointed and be kept in the custody of the county treasurer of Coffee county; and any person injured by any wrongful act or omission of said deputy may proceed in his own name against such deputy and his sureties, or either or any of them, or upon the register's bond, and if the party so injured shall proceed against said register by whom such deputy so causing such injury was appointed, or under whom he was acting at the time of such injury, the said bond above provided shall be deemed and held a bond of indemnity to such register so proceeded against.

Section 6. Be it further enacted, That the sheriff of Coffee county shall have an office and keep the same open at Enterprise and shall appoint a deputy who shall reside at Enterprise ^{Sheriff; duties etc.} and the said sheriff shall provide and keep in said office all the necessary dockets, records papers and documents suitable to the sheriff's office and pertaining to the litigation and business of said

chancery court at Enterprise; the said sheriff or his said deputy shall attend the terms of said chancery court at Enterprise and preserve order thereat, execute and return its process and perform in connection with said court all such other duties as pertain by law to the sheriff's office in such cases.

Transfer of causes.

Section 7. Be it further enacted, That any cause or proceeding pending at any time in said chancery court either at Elba or at Enterprise may by the written consent of all parties thereto, or their solicitors of record, file with the register or his deputy, where said cause is pending, or announced in open court, be transferred by order of the court in term time or of the chancellor or register in vacation from said chancery court at the one place to the said court at the other place and shall proceed in said court at the place to which it is transferred in all respects as if it had originated therein; whenever any cause is transferred pursuant to this act the register shall be governed by the law in force, at the time of such transfer, regulating the transfer of causes from one court to another court in this State.

Jurisdiction of powers.

Section 8. Be it further enacted, That the said chancery court held at Enterprise pursuant to this act shall have jurisdiction of all causes and proceedings conferred by law upon the chancery courts of this State, and the chancellor and register of said court shall have all the powers and authority conferred by law upon chancellors and registers in this State and all powers and jurisdiction now or hereafter exercised by law by said court, chancellor or register thereof at Elba in said county; and the proceedings of said court at Enterprise shall conform to and be regulated by the laws and rules of practice applicable to chancery courts in this State.

Laws applicable to process, etc.

Section 9. Be it further enacted, That in all respects in which the commencement or adjournment of the chancery courts in this State affect the time prescribed by law or rules of practice,

for the issue or return of process or the running of any statute of limitations, or where time has by law, or rules of practice any relation to such courts, or to the commencement and adjournment of their terms, such laws and rules shall apply to said chancery court, and its terms, held at Enterprise.

Section 10. Be it further enacted, That when issues of fact are diverted by said chancery court held at Enterprise to be tried out of chancery the same shall be certified for trial to the circuit court of Coffee county held at Enterprise, or other competent court, if said circuit or other court is there held and if not then at Elba but subject to change of venire of such trial as now provided by law for such cases.

Section 11. Be it further enacted, That the proceedings, orders and decrees of said chancery court held at Enterprise and of said chancellor and register, shall be subject to review as now or hereafter provided by law for like cases, and all laws affecting chancery courts in this State, their jurisdiction, powers, proceedings and officers shall be applicable thereto, and all sales by authority of said court, and all acts required by law to be done at a court house, shall so far as they have any relation to the proceedings of said court at Enterprise be had and done at the place when said court is held at Enterprise.

Proceedings
subject to re-
view.

Laws appli-
cable as to
jurisdiction,
powers, etc.

Section 12. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Repeal.

Approved, February 28, 1907.

To provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

Court stenographer.

Compensation.

Duty of stenographer.

Oath.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be the duty of the court of county commissioners of Talladega county to appoint from time to time an efficient male stenographer to hold office during the pleasure of such court and removable by it with or without cause, who shall be the official stenographer of said county, and to fix the amount of his compensation, which shall be paid by the county by warrant of the judge of probate to be drawn on the county treasurer at the end of each month.

Section 2. That it shall be the duty of such stenographer to attend the sessions of the circuit and city courts of said county, and, when required by the circuit or city court solicitor, a preliminary trial when a felony is charged and also before the grand jury of said county, and to take down and transcribe the testimony of witnesses examined before said courts and grand juries and also to take down and transcribe such other of the proceedings and to perform such other duties on trials and hearings in said courts as the presiding judge of the same may require, and to take down and transcribe the testimony of witnesses examined in such preliminary trials.

Section 3. That the stenographer so appointed shall, before entering upon the duties of his office, take and file in the office of the judge of probate of said county an oath to faithfully and truly discharge the duties so imposed upon him and that he will not divulge any of the secrets or proceedings that may come to his knowledge while attending before a grand jury, which oath may be taken before any officer authorized to administer oaths of office.

Section 4. That the stenographer so appointed be and he is hereby authorized to attend before the grand juries of said county when requested so to do by the solicitor, if not otherwise engaged before a court, for the purpose of taking down the testimony of witnesses, but shall not be present during the deliberations of a grand jury.

Section 5. That all testimony taken by such stenographer before a grand jury shall upon the request of the solicitor, be transcribed and delivered by said stenographer to the solicitor of the court in which the grand jury is organized for his use alone, and that all testimony and proceedings taken down by him, on the trial or hearing of any civil or criminal case shall be transcribed and filed by him with the clerk of the court where the case is pending, or, if a preliminary trial, with the magistrate holding the same.

Approved, February 26, 1907.

No. 132.)

AN ACT.

(H. 374.

For the improvement of the public roads of Tuscaloosa County.

Section 1. Be it enacted by the Legislature of Alabama, That at the first regular meeting of the court of county commissioners of Tuscaloosa county, Alabama, to be held after the first day of December, 1907, and the first regular meeting of said court in each year thereafter said court shall appropriate and set apart out of the taxes levied for general purposes in said county such sum as the condition of the county treasury shall warrant but in no case less than one-sixth of one per centum of the total assessed valuation of property in said county, which sum shall be a part of the one half of one per centum authorized by law for general purposes; said court shall also appropriate and set apart out of the special tax of one-fourth of one per centum, authorized by law to

Road and
bridge fund.

be levied for public buildings, bridges, and roads, all of said tax of one-fourth of one per centum, except so much thereof as may be necessary to pay interest on the indebtedness of the county incurred for the building, repair or improvement of public buildings, bridges or roads. Such fund, together with all other funds which may be by law set apart or appropriated for the improvement of roads and buildings and improvement and repair of bridges in said county shall be known as the road and bridge fund, and shall be kept by the county treasurer separate and apart from all other funds, and shall be used exclusively for the improvement of public roads and buildings, and building and repair of bridges of Tuscaloosa county, and for the payment of debts incurred for such purposes.

Section 2. That it shall be the duty of the board of public works to each year ascertain the names of all inhabitants of said county, who are liable for road duty, arranged according to the election precinct in which they live, and deliver to the tax collector of the county alphabetically arranged, the names of all of them except those who are appointed as overseers, and the tax collector shall thereupon assess a road tax of \$3.00 against each one so liable to road duty, which shall be paid on the first day of March of each year, for the current year and a receipt therefor shall be given by the tax collector to whom a suitable book of road tax receipts shall be furnished by the county. The tax collector shall immediately after the first of March of each year, return to the board of public works of said county the names of all persons liable to road duty who shall not have paid the road tax, and the board of public works shall thereupon apportion all such as have not paid their road tax to the several precincts into which the roads may be divided. The board of public works may appoint overseers on all such portions of the road as are not worked by contract, and may let any portions of said roads to be worked, improved or opened by con-

Board of public works;
duty as to persons liable for
road duty.

Road tax.

Parties not
paying tax.

Overseers.

tract to the lowest responsible bidder, but they shall in each case require of each contractor a bond in amount not less than the contract price, with good and sufficient sureties, to be approved by the chairman of the board, payable to the county, and conditioned to faithfully perform such contract. Such contract shall specify the grades on which said roads are to be worked, the method of graveling, cherting, or macadamizing and such other stipulations as the board may see fit to insert. At least 20 per centum of the contract price shall be retained until the completion of the work and if the contractor fails within the time prescribed by the contract, or any extension thereof granted by the board to do the work in accordance with the terms of the contract, to complete the said work as required by the contract, then the retained percentage shall not be paid to the contractor, but shall be retained in the road and bridge fund. The said board may appoint overseers on all portions of the roads that are not worked by contract, and persons who have been apportioned to the road precincts of the several overseers shall be liable to work under said overseer on the public roads of the county, exclusive of the time to open new roads, not less than eight nor more than ten days in any one year. All persons liable to road duty, who are appointed to such portions of the roads as are worked by contract, shall be required to work under the contractor for a like number of days whenever notified by the board of public works. The board of public works shall make contracts with the contractors for the compensation to be paid to the county for all such hands apportioned to them. Any person who is liable to work on the public roads of said county shall be exempt from all road duty, if he shall pay to the tax collector of said county, on or before the first day of March, the sum of \$3.00 for the benefit of said road and bridge fund for the current year. Any person who fails to pay said sum of \$3.00 on or prior to the first day of March, shall be exempt

Work let by
contract.

Bond.

Number of
days worked.

Parties to
work for con-
tractor.

Exempt from
road duty.

Compensation
of collector.

Road tax and
fines paid to
county treas-
urer.

Persons may
be appointed
to receive road
money.

Receipt.

Compensation.

List of per-
sons liable for
road duty fur-
nished.

if he pays to the tax collector the sum of \$3.00 and the further sum of 25 cents as a delinquent fee prior to the first day of May. Any person who fails to make payment to the tax collector of said sum, as above provided before the first day of May shall be exempt, if, after the first day of May, and before he has worked on said public roads, he shall pay to said tax collector the said sum of \$3.00, and the further sum of 50 cents as a delinquent fee. The tax collector shall be entitled to a compensation of 5 per cent on the amount of said road taxes collected by him. All road taxes shall be paid by the tax collector to the county treasurer and carried into the road and bridge fund. And fines collected in any court on the prosecution of road defaulters in said county shall not be less than three dollars and fifty cents and shall also be paid to the county treasurer and carried into the road and bridge fund.

Section 3. That the tax collector may appoint any person or persons to receive from any and all persons liable to road duty payment of the sum which will exempt them from road duty for the current year, and such person or persons so receiving payment shall execute to all persons making such payment a receipt for the money so paid and shall keep a stub or duplicate of such receipt which he shall so deliver to the tax collector. And the tax collector shall pay to such persons receiving payment, out of such road taxes, as compensation for their services such sum or sums as he shall be authorized to pay by the board of public works.

Section 4. That it shall be the duty of every person or corporation carrying on a business in Tuscaloosa county, and employing in his, her or its services, two or more persons to furnish to the board of public works of said county or any person designated by said board, as often as requested by said board, a list of all persons in his, her or its employment, who are liable to road duty, under the provisions hereof, any person or cor-

poration who fails, neglects or refuses to furnish such list to the board of public works, or any person designated by said board, shall be liable to pay as a penalty for such neglect, failure or refusal to said county \$10.00 for each person in his, ^{Penalty for} her or its employment who are liable to road du- ^{failure.} failure, whose name he, she or it fails, refuses or neglects to furnish on demand of said board through its authorized representative or person appointed by it, such sum to be recovered by suit in the name of the board of public works for the use of Tuscaloosa county, and when recovered to be paid to the treasurer of said county for the benefit of the road and bridge fund.

Section 5. That all male persons in said county between the ages of eighteen years and forty- ^{Persons liable} five years, and who are not exempt by law from ^{for road duty.} road duty, shall be liable for duty on the public roads of said county, unless he shall have obtained from the board of health of said county a certificate that he is permanently disabled by disease, injury or other physical infirmity from doing manual labor.

Section 6. That nothing contained shall be so construed as to prohibit the board of ^{Method for} public works from adopting any other method of ^{working} working or repairing the said public roads, but they shall have power to adopt any method which may be deemed best and to purchase all machinery and tools as in their judgment shall be necessary for the improvement of said roads.

Section 7. That the board of public works shall have the power to procure by donation or ^{Gravel beds, or} purchase any gravel beds or rocks, suitable for ^{rocks; pur-} macadamizing or graveling roads, for use on the ^{chase of} public roads of the county. In the event such gravel beds or rocks cannot be procured at a reasonable cost, the probate court shall have power upon application of the board of public works to condemn the same for use upon hearing held 30 ^{Condemna-} days after notice to the owner and shall order ^{tion of.} the payment of the damages out of the road and bridge fund. The owner may appeal to the cir-

Appeal.

cuit court within 30 days after said judgment of condemnation upon giving bond for cost and such sum as the judge of probate may prescribe, and with sureties approved by him. Such appeal shall be tried de novo.

County convicts may be worked on road.

Section 8. That the court of county commissioners may work the county convicts on the public roads of the county under such regulations as they may prescribe and may authorize the board of public works to hire out all such convicts to contractors for work on said roads. In all cases of such hiring the court of commissioners shall require the contractor to enter into a contract stipulating, among other things, for the proper treatment of such convicts and reserving to the court the power to require the contractors at any time to comply with such demands and orders of the court as in the judgment of the court the welfare of such convicts may require. The

Contracts.

Bond

court shall also require of contractors hiring convicts, bonds in such amount as the probate judge shall prescribe, with good and sufficient sureties, to be approved by the probate judge, payable to the county and conditioned to faithfully perform such contracts of hire and especially for the humane and proper care and treatment of such convicts. All funds derived from the hire of such convicts shall be paid to the county treasurer and by him carried into the road and bridge fund.

Funds; how paid.

Penalty for failure to discharge duty.

Section 9. That any officer or person who shall wilfully fail to discharge the duties imposed upon him by this act shall be guilty of a misdemeanor, and on conviction be fined not more than fifty dollars.

Laws applicable.

Section 10. That all laws, civil and criminal, now in force in this State and applicable to Tuscaloosa county relating to the public roads and not in conflict with the provisions of this act, shall be and remain in full force and effect in said county.

Moneys now on hand in road fund.

Section 11. That all moneys that are now on hand and belonging to the road fund of said county, shall be and constitute a part of the road fund provided by this act.

Section 12. That warning to work on said public roads may be given by personal notice or by written or printed notice left at the home or place where the person liable to road duty resides or at his place of business at least three days before he is required to work on said roads. Manner of warning.

Section 13. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal.

Approved, February 26, 1907.

No. 134.)

AN ACT.

(H. 599.)

To provide for the holding of sessions of the court of county commissioners for Coffee county, at Enterprise, Alabama, and, to regulate the same.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Coffee county shall hold its regular April and November terms at Enterprise, Alabama, instead of at Elba, but the time for holding such regular terms shall be subject to change as now provided by law. Term of commissioners court at Enterprise.

Section 2. That special terms of said court may be held at Enterprise for the dispatch of such business as is now or hereafter authorized by law at special terms of said court, such special terms to be called and notice thereof given as now or hereafter required by law. Special terms.

Section 3. That said court of county commissioners when held at Enterprise under this act shall have and exercise all the powers, authority, duties, and jurisdiction now or hereafter conferred by law upon such courts in this State. Provided, that it shall be within the discretion of said court to exercise its powers, authority, duties and jurisdiction, or any part thereof, pertaining to the assessment and levy of taxes, and the correction of errors therein, either at Enterprise or Elba, in said county. Powers, duties, authority, etc.

Accommodations for court of county commissioners.

Probate Judge to record proceedings, etc.

Records, etc., kept at Enterprise.

Duty of Probate Judge as to.

Repeal.

Section 4. That said court of county commissioners shall at the expense of the county provide suitable accommodations for the sessions and business of such court at Enterprise, and the judge of probate for said county must record the proceedings of said court at Enterprise, make all necessary orders and issue all necessary process, to sustain its jurisdiction or maintain its authority.

Section 5. That all minutes, records, papers and proceedings of said court pertaining to the sessions and business of said court at Enterprise shall be kept there, and it shall be the duty of the judge of probate of said county to have an office opened and kept there in which such records and papers shall be kept, and free to inspection as now or hereafter provided by law in such cases; that a suitable person shall be appointed by said court to keep said office and the records and papers therein, and such person shall discharge ministerial acts pertaining to said court of county commissioners, in the name of such judge in the same manner and to the same extent the said judge could do in person, and for those acts the said judge of probate shall be liable on his official bond.

Section 6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved, February 26, 1907.

No. 135.)

AN ACT.

(H. 507.)

To appropriate the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, to T. T. Herbert as a confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

Be it enacted by the Legislature of Alabama,
That the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, be and the same is hereby appropriated for the benefit of T. T. Herbert as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years; and the auditor is hereby authorized and directed to draw his warrant or warrants therefor upon the treasurer in favor of said T. T. Herbert and the treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

Amount appropriated.

Auditor required to draw warrant and treasurer to pay same.

Approved February 26, 1907.

No. 136.)

AN ACT.

(H. 166.)

To amend section ten (10) of an act entitled an act to regulate the trial of misdemeanors in Morgan county, approved February 23, 1899.

Section 1. *Be it enacted by the Legislature of Alabama,* That section ten (10) of an act entitled an act to regulate the trial of misdemeanors in Morgan county, approved February 23, 1899, be and the same is hereby amended so as to read as follows, to-wit: Section 10. That a solicitor shall be elected for said county, whose duty it shall be to prosecute for the State of Alabama all cases tried in said county court, and for so doing and such services he shall receive the same fees

Section amended.

Solicitor; duties of; fees, etc.

Election and term of office of.

Repeal.

in each case as provided in section 4561 of the code of Alabama, 1896, for similar services in the circuit court, to be taxed against the defendant or defendants on conviction, and collected and paid to the solicitor by the clerk of said court. The solicitor for said court shall be elected on the first Tuesday after the first Monday in November, 1908, and every four years thereafter, and when so elected shall enter upon the discharge of the duties of the office as required by law immediately upon taking the oath required by the solicitors of the circuit court of Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved, February 26, 1907.

No. 137.)

AN ACT.

(H. 530.)

To amend Section 1 of an Act entitled an Act to make it unlawful for any person or persons to sell, give away, barter, exchange, or otherwise dispose of alcoholic, vinous or malt liquors or intoxicating bitters, beverages or fruits preserved in alcoholic liquors within one and a half miles of Mount Zion church in Winston county, Alabama, and certain other places in the State of Alabama, approved December 12th, 1888, so far as the same relates to said Mount Zion church, which in said act should have been Mount Joy church.

Section 1 amended.

Section 1. Be it enacted by the Legislature of Alabama, That Section 1 of an Act entitled an Act to make it unlawful for any person or persons to sell, give away, barter, exchange or otherwise dispose of any alcoholic, vinous or malt liquors or intoxicating bitters, beverages or fruits preserved in alcoholic liquors within one and a half miles of Mount Zion (Mount Joy) church in Winston county, Alabama, and other places in

the State of Alabama be amended so far as said Mount Joy church is concerned to read as follows: Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person or persons to sell, give away, barter, exchange or otherwise dispose of any alcoholic, vinous or malt liquors or intoxicating bitters, beverages or fruits preserved in alcoholic liquors within one and a half miles of Mount Joy church in southwest fourth of section 9, township 12, range 9, in Winston county, Alabama.

Section 2. The purpose of this act is to correct the name of the church which was in said original act Mount Zion church, the correct name of said church being then and now Mount Joy church.

Approved February 26, 1907.

No. 138.

AN ACT.

(H. 448.

To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within certain territories therein described, in so far as the same relates to precinct number eight, including the town of Fitzpatrick and Thompson in Bullock county, Alabama, approved December 31st, 1897.

Be it enacted by the Legislature of Alabama, That so much of an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters or beverages within six miles of Dothan High School, Henry county; and within one mile of the Baptist church in the town of Victoria, and within three miles of Indian Creek Baptist church, precinct number five, Bullock county; and within three miles of Pleasant Hill Methodist church; within three miles of Baileyton, Cullman county; within six miles of the agricultural school in the town of Abbeville, Henry

Act repealed
as to precinct
8 Bullock
County, Ala.

county; within Frankfort beat number three, in Franklin county; within three miles of Hill's Chapel and Siloam churches in Hill's beat, Franklin county; and within precinct number eight including the incorporations of the town of Fitzpatrick and Thompson in Bullock county, and within three miles of the town of Woodville, approved Feb. 16th, 1897, as applies to precinct number eight including the incorporations of the town of Fitzpatrick and Thompson in Bullock county, Alabama, be and the same is hereby repealed.

Approved, February 26, 1907.

No. 139.)

AN ACT.

(H. 585.)

To provide for and regulate the drawing, summoning and empanelling of juries in capital cases in Jefferson county.

Juries; how drawn.

Section 1. Be it enacted by the Legislature of Alabama, That when any capital case or cases are set for trial in any of the courts of Jefferson county, it shall be the duty of the presiding judge or one of the presiding judges of said court, or the court, to draw from the jury box as provided by law, at least one entire day before the day on which such capital case or cases are set, not less than fifteen nor more than fifty names at the discretion of such judge or court.

When drawn

Section 2. That said names may be drawn either in the week when such capital case or cases are set for trial, or in any week of the term previous to said week, provided that any capital case may be passed to or set on any day of a week for which the names herein provided for have already been drawn.

Sheriff to summon persons.

Section 3. That the sheriff shall summon the persons whose names are so drawn to appear on the day for which they are so drawn, and out of the number of those attending, the court shall,

in its discretion, proceed to organize either one or two juries of twelve men each, which said jury or juries and any extra jurors held as hereinafter provided, together with the regular juries drawn and empaneled for the week, shall constitute a venire for the trial of all capital cases set for trial during the week. Juries organized.

Section 4. That if, after organizing the two regular juries there shall remain any qualified jurors summoned and in attendance from the regular venire, such jurors, so remaining, may be placed on either of the extra juries herein provided for in case there be not a sufficient number of said special venire summoned, and in attendance to complete said extra jury or juries. Juries; completion of, etc., etc. If, after organizing the extra jury or juries, any qualified jurors shall be left over from the special venire, such remaining jurors may be placed on either of the regular juries, in case there be not a sufficient number of qualified jurors from the regular venire summoned and in attendance to complete said regular juries, if after organizing the regular juries, and the extra jury or juries, there remain any qualified jurors from either the regular or special venire, such remaining jurors may be held or discharged in the discretion of the court, and, if held they shall be duly sworn and shall constitute a part of the venire for the trial of all capital cases during the week, and in such event the extra jurors so remaining and sworn, together with the regular juries, and the extra jury or juries shall be and constitute the venire for the trial of all capital cases during the week. Should there not be a sufficient number of qualified jurors so drawn and summoned in attendance to complete all the said juries, both regular and extra, the presiding judge or the court shall draw from the jury box containing not less than twice the number of jurors necessary to complete all of said juries. The persons so drawn must reside within two miles of the court house, and the said judge or court shall lay aside the names of any jurors residing more than two miles from the

court house to be returned to the jury box, provided that no mistake made by the said judge or court, as to the place of residence of any juror whose name is drawn from the jury box, whether within or beyond the two mile limit shall effect the legality of any jury organized under this act; nor the qualifications of any juror summoned. Such jurors so drawn shall be summoned by the sheriff, and from those summoned and in attendance, the court shall fill all of such vacancies as may exist in said jury either regular or special or both.

Mistake in
name of juror.

Section 5. That if in organizing said venire, or filling any vacancies therein, there should appear to be any mistake in the name of any juror, the court shall ascertain if the juror be the person intended to be summoned as a juror and, if so, said juror, if otherwise qualified, shall be a competent juror. But if the court ascertains that he is not the person intended to be summoned as a juror he shall be discharged. If the court ascertains that the juror is the person intended to be summoned, in that event, the defendant shall not be entitled to challenge such juror either for that cause or peremptorily, in addition to the other peremptory challenges allowed by law, provided, that nothing in this act shall have the effect to change the law, in reference to any mistaking the name of a juror made by the sheriff or clerk in the copy of the venire served on the defendant.

Venire.

Section 6. That said juries so empaneled, together with any remaining jurors that may be held and sworn, after organizing the regular juries, and the extra jury or juries shall constitute the venire for the trial of all capital cases that may be set for trial during the week for which the same are organized, whether said cases are set prior or subsequent to drawing the names therefor.

Section 7. That when the defendant in any capital case is confined in jail, the sheriff shall serve upon him a copy of the indictment,

together with a list of the names drawn as herein provided, and when said names are drawn previous to the week when said cases is set, he shall also serve a list of the regular jurors, as drawn by the board of revenue or jury commissioners; but when drawn the same week, he shall serve only the list of regular jurors as organized for the week; but it shall not be necessary to serve the names of any persons drawn to complete either of said juries, regular or extra, or to fill any vacancies occurring therein; provided, that said list need only contain the list of the persons drawn from which the venire shall be constituted, and need not specify which names are drawn for the regular jury, and which for the extra juries, provided further said list and copy of indictment need not be served on defendants who are on bond.

Section 8. That the presence of the defendant in court shall not be necessary, either at the drawing or organizing of said jury, or juries.

Section 9. That upon the trial of any capital case, the defendant shall be entitled to ten peremptory challenges, and the State five, and when two or more defendants are tried jointly, each defendant shall be entitled to five peremptory challenges.

Section 10. That if a capital case is called and ready for trial while the jury is engaged in the trial of another case or deliberating on the case submitted to them, or which one jury is engaged in the trial of another case, and another jury is deliberating on a case submitted to them, or while two juries are deliberating on cases submitted to them, then, in either of such events, the jury for the trial of the case called and ready may be selected from the remainder of the venire.

Section 11. That if in organizing the trial jury the venire shall be exhausted, the presiding judge or the court shall proceed to supply the deficiency in the same manner as provided in section four of this act, where a sufficient number of jurors fail to attend; and, if in organizing said

Absence of jurors.

trial jury, any juror or jurors upon the venire should be absent from any cause, the name or names of such juror or jurors shall be laid aside when called, and the jury completed from the other members of the venire; provided, that if the venire be exhausted, such juror or jurors, shall be again called, and if present, shall be passed on before any names are drawn from the jury box to complete the said trial jury. If a mistake in the name of any juror be not discovered in the organizing of the venire, but should be discovered in the organization of the trial jury, then the court shall ascertain if the juror be the person intended to be summoned as a juror, and, if so, he shall be passed on as other jurors; but if ascertained to be not the person intended to be summoned, he shall be discharged and his place supplied by drawing from the jury box in the manner provided in section four of this act for completing the juries; provided, however, that the presiding judge or court may, in his discretion, proceed with the organization of the jury, and need not fill such vacancy until the trial jury is completed or the venire exhausted.

Repeal.

Section 12. That all laws or parts of laws, either general or special, in conflict with the provisions of this act, so far as the same relates to Jefferson county, be, and the same are hereby repealed.

Effect.

Section 13. That this act shall become operative and go into effect immediately upon its passage.

Approved, February 26, 1907.

No. 140.)

AN ACT.

(H. 597.)

To establish a probate office at Enterprise, Alabama, and to provide for holding terms of the probate court of Coffee county thereat, and to regulate the jurisdiction and proceedings thereof, and to provide for the registration in such office of instruments authorized by law to be recorded, and defining the district within and for which the jurisdiction of such court shall be exercised and such registration shall operate.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be the duty of the court of county commissioners of Coffee county to provide at the expense of said county an office at Enterprise, Alabama, for the probate judge of said county, and to provide therefor the necessary stationery, record books, dockets and other equipment for such office similar to those now kept in the office of the said probate judge at Elba in said county.

Section 2. Be it further enacted that said office at Enterprise shall be kept open by said judge of probate, and the books, dockets, records and papers pertaining thereto shall be kept in said office; that said judge of probate shall keep a clerk, in his absence, in charge of said office and the books, records and papers therein, who shall have power and authority, for and in the name of such judge of probate, to perform all ministerial acts in connection with the office and business thereof and for whose acts the said judge of probate shall be liable on his official bond; that said judge of probate may require such clerk to execute a bond, with surety or sureties, in the sum of two thousand dollars payable and conditioned as required by law for the official bonds of judges of probate in this State, which bond shall be kept in the office of the county treasurer for Coffee county, and any person injured by any wrongful act or omission of such clerk may in his own name, sue on said bond, or on the judge of probate's bond,

Probate office
at Enterprise.

Books, etc.

Duty of
Probate Judge
as to same.

Clerk in office.

Bond of clerk.

and if suit should be brought on the bond of the judge of probate the bond of such clerk shall be deemed and held as a bond of indemnity for the judge of probate so proceeded against.

Section 3. Be it further enacted, That the Probate court; said judge of probate shall hold regular terms of the probate court at Enterprise for the district herein described in said county, on the first Mondays in each month to continue until the business is disposed of, but the said judge of probate may change the time of such terms, or either of them by giving three weeks' notice of such change in some newspaper published at Enterprise or in said county.

Jurisdiction
and powers
of court.

Section 4. Be it further enacted, That the districts for and in which said probate court at Enterprise and the judge thereof shall exercise their jurisdiction, and powers, and within which the registration of conveyances and other instruments, required or authorized by law to be recorded in the office of judges of probate in this State, shall operate, shall embrace the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; east one-half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22; township 7, range 22; township 5, range 21, and township 6, range 21, lying south of Pea river and the jurisdiction and powers of said probate court, and judge of probate, at Enterprise and the registration of conveyances and other instruments entitled thereto by law shall, within the described district, be exclusive of their jurisdiction and powers exercised at Elba—and of the registration of conveyances and other instruments at Elba—except that conveyances or other instruments entitled to record affecting lands situated in said county partly within and partly without said district must be recorded both at Elba and at Enterprise.

Section 5. Be it further enacted, That the jurisdiction, powers and duties of said probate court, and judge of probate at Enterprise, shall, ^{Jurisdiction etc., at Enterprise.} within and for said described district, be in all respects the same as by law they have and exercise at Elba in respect of the remainder of said county, and the same effect shall attach to the registration, or delivery for registration in said office at Enterprise, of conveyances and other instruments entitled to registration therein by this act, as is now or may hereafter be given by law to the registration in other judge of probate offices in this State of conveyances and other instruments authorized or required by law to be recorded therein or delivered therein for record.

Section 6. Be it further enacted, That all powers and duties imposed by law upon courts of county commissioners and upon sheriffs and other officers, in respect of the probate courts and probate offices in this State, shall apply to the court of county commissioners, sheriff and other officers of the county of Coffee, in respect of said probate court and probate office at Enterprise provided by this act.

Section 7. Be it further enacted, That in all cases and proceedings affecting lands in said county lying within and partly without said ^{Proceedings affecting lands when in both districts.} district the proceedings may be had in said court either at Elba or Enterprise; and by written consent of the parties filed in said court, causes or proceedings may be transferred from ^{Transfer of causes.} the court at one place to the other; whenever a jury is required for said court at Enterprise the same shall be drawn or summoned from competent persons residing within said district, in the ^{Juries.} manner prescribed by law for drawing juries in like cases, and persons residing within said district shall not be drawn or summoned to serve in said court as jurors at Elba.

Section 8. Be it further enacted, That in all ^{Laws applicable to court.} respects in which the commencement or adjournment of the probate courts of this State affect the time prescribed by law for the issue or return of process, or

signing of bills of exceptions, the running of any statute of limitations, or where time has by law any relation, to such courts, or the commencement or adjournment of their terms, such laws shall apply to said probate court, and to its terms at Enterprise; and whenever the law requires a sale to be made or any other act to be done at the court house, such sale or act, if it affects any matter connected with or pertaining to the jurisdiction, powers, proceedings, or duties of said court or judge at Enterprise, shall be had or done at the place where said probate office in Enterprise is located.

Repeal.

Section 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved, February 26, 1907.

No. 141.)

AN ACT.

(H. 290.

To regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruit preserved in alcoholic liquors in Fayette county, Alabama.

Unlawful to
sell without
license.

Section 1. Be it enacted by the Legislature of Alabama, That after the first day of January next after the passage of this act it shall be unlawful for any person, or corporation to engage in the business of selling, bartering, exchanging or otherwise disposing of spirituous, vinous, or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors in Fayette county, Alabama, without first having obtained a license therefor in accordance with the provisions of this act.

Section 2. In order to secure a license to engage in the business of selling, bartering or exchanging spirituous, vinous, or malt liquors or other intoxicants it shall be necessary for the

person, firm or corporation applying for the same to file with the judge of probate of said county a recommendation in writing signed by not less than a majority of the bona fide electors residing within the corporate limits of the city, town or precinct in which such applicant proposes to engage in such business, with recommendation stating that the parties signing the same are acquainted with the applicant for such license, that such party is of good moral character and is in all respects a proper person to be licensed to engage in such business.

How license
procured.

Section 3. Any person or persons signing the recommendation as above provided may withdraw his name therefrom at any time before the granting of such license, and his name shall not be considered as one of the electors necessary to constitute a majority of such electors but if such party be otherwise qualified may be counted against the granting of such license.

Names may be
withdrawn.

Section 4. It shall be the duty of the judge of probate immediately upon the filing of the recommendation as hereinabove provided, to make an order setting a day for the hearing of such application, which day shall not be less than twenty nor more than forty days from the date of filing such recommendation, and the judge of probate shall have such recommendation, with the names of the signers thereon and the order of such judge of probate upon the filing of such recommendation published in some newspaper published in said county for three successive weeks before the hearing of such application, and on the day set for the hearing of the same, any party or parties interested in the same, may appear and contest the truthfulness of the allegations of such petition, or the fact of their being a majority of the qualified electors having signed the said recommendation as above provided, or any other question necessary to be passed upon by such judge in the granting of such application as provided by this act; and it shall be the duty of the judge

Duty of Pro-
bate Judge
when petition
filed.

of probate to hear testimony pro and con as in the trial of other causes in courts of law. For his services on such application for license the judge of probate is entitled to a fee of ten dollars to be paid by the applicant at the time of the filing of his application for license.

Unlawful to receive, etc., order for prohibition territory.

Section 5. It shall be unlawful for any person, firm or corporation to sell, give away, deliver or otherwise dispose of or take or receive orders for, or act as the agent of another in taking or receiving orders for spirituous, vinous or malt liquors, intoxicating bitters or cordials to be sent or shipped into territory where the sale of such liquors or articles is prohibited by law.

Effect of

Section 6. Nothing in this act shall operate or be so construed as to repeal any law in force prohibiting the sale of intoxicating liquor, or that may be passed by the present session of the Legislature to establish prohibition for Fayette county, Alabama.

Penalty for violation.

Section 7. Any person, firm or corporation guilty of a violation of any of the provisions of section one or five shall be guilty of a misdemeanor and upon conviction, shall be fined not less than fifty nor more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Approved, February 26, 1907.

No. 142.)

AN ACT.

(H. 115.)

To prohibit the sale, giving away, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors, or other intoxicants in Fayette county, Alabama, if a majority of the votes cast in the election herein provided be in favor of prohibition, to provide for the holding of said election and to further regulate the handling, ordering or other disposition of spirituous, vinous or malt liquors or other intoxicants in said county.

Section 1. Be it enacted by the Legislature of Alabama, That upon the filing of a petition with the judge of probate signed by not less than two hundred qualified electors of said county stating that they, said electors, desire an election to be held in said county for the purpose of ascertaining whether the sale of intoxicating liquors shall continue or whether such sale shall be prohibited in Fayette county, Alabama, it shall be the duty of said judge of probate of such county to order an election to be held in said county for the purpose stated in said petition.

Section 2. Upon the filing of said petition it shall be the duty of the said judge of probate to order an election to be held in the various precincts and voting places of said county, such election to be held not less than forty nor more than sixty days from the filing of such petition, and the judge of probate shall designate the day upon which the same shall be held and he shall give notice of the holding of said election, such notice to specify the time, the purpose for which such election is to be held, and shall be published in some newspaper published in said county, for not less than four consecutive weeks prior to the holding of the same, but failure to give said notice as herein provided shall not invalidate such election.

Persons qualified to vote.

Section 3. On the day appointed by the judge of probate for the holding of said election, an election shall be held in the various precincts and voting places of the county of Fayette, Alabama, and all persons, who are at the time of said election qualified electors under the provisions of the general election law of this State shall be entitled to vote in said election and the provisions of the general election law of this State shall govern said election in all matters, except it shall be the duty of the judge of probate to give notice of the holding of such election by publication, and provided should the provision of this act be inconsistent with the general election law, this act so far as inconsistent with such general election law shall prevail.

Laws governing election.

Judge of probate to prepare ballots.

Section 4. For the purpose of said election the judge of probate shall have prepared and printed at the expense of the county a sufficient number of ballots, so as to have as many as twice the number of ballots for each voting place or precinct as there are qualified electors in such precinct or voting place.

Question submitted to electors.

Section 5. In the election to be held under the provision of this act the question shall be submitted to the electors of said county under the plan hereinafter provided, whether the sale of intoxicating liquor shall be prohibited or whether open saloons shall continue to be operated in said county.

Ballots, how printed, etc.

Section 6. The ballots to be used in said election, shall consist of a strip of white paper of sufficient size having printed thereon the words, "I favor prohibition," and immediately under the above mentioned words shall be printed the words, "I favor open saloon."

Votes; how cast.

Section 7. In the election provided for in this act an elector desiring to cast his vote in favor of prohibition shall so indicate his intention by making a cross (X) mark immediately to the left of the words "I favor prohibition," and an elector desiring to cast his vote in favor of open saloons shall so indicate his intention by making a cross (X) mark immediately to the left of the words, "I favor open saloons."

Section 8. It shall be the duty of the managers of said election immediately upon the closing of the polls to canvass the vote as in general elections and certify the same to the judge of probate, in the same manner as certificates of the election under the general election law is made and the judge of probate with the sheriff and clerk of the circuit court of Fayette county, Alabama, shall on Saturday after the third day following the election, meet and canvass the returns of the various precincts and voting places and certify the result, and such certificate of said canvassing board shall be recorded in the minutes of the probate court of said county, and such record or a certified copy thereof shall be prima facie proof of the result of the election as therein stated.

Canvass of
vote by elec-
tion mana-
gers.

Certificate of
result.

Section 9. In the event that a majority of the votes cast in such election should be in favor of prohibition, then after the first day of January next succeeding the date of the holding of such election, it shall be unlawful for any person, firm or corporation to bring into the county of Fayette for the purpose of delivery, or to deliver in Fayette county to any other person, firm or corporation any spirituous, vinous, or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors or other intoxicants, and it shall be unlawful for any person, firm or corporation, to accept or receive a delivery of the same, except as hereinafter provided, provided this act shall not apply where such delivery is to a connecting carrier for transportation through said county.

If majority
vote for prohi-
bition.

Penalty for vi-
olation.

Section 10. In the event that a majority of the votes cast in such election should be in favor of prohibition, it shall be unlawful for any person, firm or corporation, to order or act as the agent of another in ordering any spirituous, vinous or malt liquors or articles specified in the next preceding section of this act, to be delivered in Fayette county, Alabama, except as hereinafter provided.

Unlawful to
order or act
as agent.

Section 11. Should a majority of the votes

Unlawful to
sell, etc.

Medicinal or
sacramental
purposes.

How disposed
of by druggist
and physician.

Oath.

Where filed.

Unlawful for
druggist or
physician to
sell, etc., with-
out taking
oath.

cast in the election herein provided for be in favor of prohibition, then after the first day of January following such election it shall be unlawful for any person, firm or corporation to sell, give away, deliver or otherwise dispose of spirituous, vinous, or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors or other intoxicants, in Fayette county, Alabama; provided that any reputable licensed druggist, or reputable licensed practicing physician, may keep and dispose of such articles for medicinal or sacramental purposes, and for which purpose the same may be used, provided further that the quantity of any one kind of such articles kept on hand by such physician or druggist, shall not exceed one gallon at any one time, and such physician or druggist shall in no event sell, deliver, give or otherwise dispose of more than four ounces of such spirituous, vinous or malt liquors to the same party, or person or for the same party or person in any one day.

Section 12. Such druggist or physician shall dispose of such liquors or articles mentioned in the next preceding section of this act, in no other way or manner and under no other circumstances than under the medical prescription of a reputable practicing physician, who has subscribed to an oath that he will not prescribe spirituous, vinous or malt liquors, intoxicating bitters or cordials or intoxicants of any kind for any person, except in cases of absolute necessity, which oath must be made, subscribed and sworn to before the judge of probate of said county, and be filed and entered of record in the office of the judge of probate of said county.

Section 13. It shall be unlawful for any druggist or physician to receive or order, or deliver to another, sell, give away, or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors or intoxicants of any kind without first having taken and subscribed to an oath before the judge of probate of said county that he will

faithfully observe and keep the requirements of this act, and that he will not handle, sell or dispose of the articles mentioned in this section except in strict accordance with this act which oath he must have had filed and recorded, in the office of the judge of probate of said county, and in addition to the penalties hereinafter set out and provided for a violation of this, and the next preceding section of this act by a druggist or physician upon conviction for such offense the license of such physician or druggist shall be forfeited and be of no further force and effect. ^{Penalty for violation.}

Section 14. Any party authorized to sell or dispose of spirituous, vinous or malt liquors or other intoxicants under the provisions of this act, are hereby authorized to receive the same, in such quantities as may be authorized under this act, and such parties are hereby authorized to so sell or deliver the same, if done in accordance with the provisions of this act. ^{Parties authorized to sell, etc.}

Section 15. Any party, person, firm or corporation, guilty of a violation of the provisions of sections 9, 10, 11, 12 and 13 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months. And one half of such fine shall be paid to the prosecutor of informant beginning a prosecution therefor. ^{Penalty for violating Secs. 9, 10, 11, 12 and 13.}

Approved, February 26, 1907.

No 143.)

AN ACT.

(H. 540.

To further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court.

Be it enacted by the Legislature of Alabama:

Number of
Judges.

Term of pres-
ent judge.

Election of
judge by Leg-
islature.

Term of elec-
tion of.

Section 1. The city court of Birmingham shall be composed of four judges each of whom shall be called and known as judge of the city court of Birmingham. The present judge of said court now known and called the senior judge of the city court of Birmingham, or his successor, shall be, remain and continue judge of said court until the expiration of his present term of office, and for an additional term of two years thereafter, to-wit: until the general election to be held in this State in the year of 1912; unless he be removed, resign or die, in which event, the Governor shall appoint a judge of said court to fill such vacancy, and the present judge of said court now known and called the associate judge of said court, or his successor, shall be, remain and continue judge of said court until the expiration of his present term of office, unless he be removed, resign or die, in which event, the Governor shall appoint a judge of said court to fill such vacancy. Within ten days after the approval of this act there shall be elected by the Legislature in joint session two additional judges of said city court of Birmingham whose term of office shall continue until the general election in this State in 1908 and until their successors are elected and qualified. At the general election to be held in this State in 1908 and every six years thereafter there shall be elected two judges of said court; at the general

election to be held in this State in the year 1910, and every six years thereafter, there shall be elected one judge of said court and at the general election to be held in this State in the year 1912, and every six years thereafter, there shall be elected one judge of said court, each of whom shall hold office for six years, and until his successor is elected and qualified, and all of whom shall be chosen by the qualified electors of Jefferson county, Alabama. Each of the judges of said court at the time of his election or appointment shall have been a bona fide resident citizen of the State of Alabama, and of the United States for a period of three years next preceding his election or appointment and shall be a qualified elector of Jefferson county, Alabama, not less than twenty-five years of age and shall be learned in the law; and at the time of his election and continuance in office, each of said judges shall reside in Jefferson county, Alabama; each of the judges of said court shall take the oath of office required by law to be taken by judges of the circuit court, before entering upon the duties, pertaining to said office, and may be impeached or removed from office for the same causes, and by the same tribunals and in the same manner as is or may hereafter be provided by law for the impeachment or removal from office of the judges of the circuit courts of this State. Said judges shall each have and exercise all the jurisdiction, power, right and authority now given by law to the present judges of the said city court of Birmingham, Alabama, and may perform the duties required of the judges of the circuit courts of this State, including the power and authority to punish for contempt, to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, ne exat, and all other writs which may now be lawfully issued by the said present judges of the said city court and shall be conservators of the peace and shall be liable to all the penalties now provided by law for circuit judges. Vacancies in the office of any such judges

Qualifications.

Oath of office.

Removal.

Jurisdiction, power and authority.

Vacancies; how filled.

shall be filled by the Governor and any person appointed to fill such vacancy shall hold office until the next general election held at least six months after the vacancy and until his successor is elected and qualified; and at said first general election for any State officer, held at least six months after the vacancy occurs, if any portion of said term remains unexpired, there shall be elected by the qualified electors of said county at such general election a judge of said court for the remaining portion of said unexpired term. The cases in said court shall under the direction of said judges be arranged on four separate dockets. Each of said judges may be separately engaged at the same time, or at different times, in the trial of different cases. One of said dockets shall be made up of chancery cases; one, of cases in which juries have not been demanded; one, of appeal and certiorari cases, and cases in assumpsit, ejectment, trover and detinue, in which juries have been demanded; and one, of all other cases in which juries have been demanded; but in the discretion of the judges, more than one of the judges may be engaged, at the same time in the separate trial of different cases on the same docket. The judges may, in their discretion, alternate in the trial of the different dockets, either monthly or at such times as may to them seem proper. They shall have the control and direction of the setting of all cases, and cases shall be set for trial as nearly as practicable in the order in which they are brought. The said judges or a majority of them shall have power to make and adopt such rules or practice not inconsistent with the laws of this State, and the rules of practice adopted by the supreme court of the State as they deem most expedient for the prompt and efficient transaction of the business of said court, and to amend or change said rules when, in their opinion, it may be necessary; such rules, amendments and changes shall be entered of record on the minutes of said court and the same may be changed or annulled by the supreme court of the State. It shall

Dockets.

Setting of cases.

Rules of practice.

Entered of record.

be the duty of the judges of the said court or a majority of them and they are hereby authorized As to jurors. and empowered to order in term time or vacation the drawing and summoning of such number of persons to serve as jurors to serve in said court as, in their judgment may be necessary to dispose of the business of said court; such order to designate the number of jurors required and the time when they shall attend the said court; and when such order is made and certified to the board of revenue of Jefferson county, said board shall cause to be drawn for said court, for the time designated in said order, the number of jurors required by such order in the same manner as is now, or may hereafter be provided by law for drawing or empaneling jurors in the circuit court of this State. Said court or any judge thereof shall have the same power as the circuit court and circuit judges respectively of this State to issue special venirens and to summon, swear and empanel tales jurors. It shall be the duty of the board of revenue of Jefferson county Rooms, dock-ets, etc., to be supplied. to provide and furnish suitable court rooms or places for holding the court of said city court of Birmingham and provide proper and suitable dockets and stationery for same.

Section 2. The salary of each of said judges shall be four thousand five hundred dollars Salary; amount of. (\$4,500.00) per annum and of this amount a sum equal to that now paid or which may hereafter be paid to circuit judges of this State shall be paid out of the State treasury in the same manner as circuit judges of this State are now or may hereafter be paid by law, and the remainder of said salary shall be payable out of the treasury of Jefferson county in monthly installments upon the respective warrants of said judges, provided that the present judges of said court shall receive the same salary now allowed them by law for and during the terms for which they were heretofore elected. That if a majority of the judges of said court shall ascertain that either of the judges of said court is or will be absent How paid.

Special judge.

from said court on account of illness or, for any cause, will be absent from or be unable to attend or hold said court, or is disqualified to try any case therein, and that said inability or disqualification or absence will continue for more than one day, they may, thereupon forthwith appoint a practicing attorney, learned in the law, resident of Jefferson county, as a judge pro tempore to act and preside as judge of said court with all the power and authority of any of the judges of said court. Such appointment and authority shall expire when the regular judge in whose place the appointment is made, shall return and resume his duties as judge of said court; and such judge pro tempore, shall be paid for his services out of the treasury of Jefferson county on his warrant at the same rate per day as the regular judges of said court are paid, provided that the salary of such regular judge shall not be curtailed or lessened during and on account of such absence or inability, if such absence is caused by his own sickness or of some member of his own family.

Election of clerk and register.

Term of office.

Removal.

Bond.

Section 3. At the general election to be held in this case in the year 1910 and every six years thereafter the clerk and register of said city court of Birmingham shall be elected by the qualified electors of the county of Jefferson whose term of office shall be for six years and until his successor is elected and qualified. Such clerk and register may be removed from office for such causes, and in such manner, as is or may hereafter be provided by law for the removal of clerks of the circuit court or for any cause, which, in the opinion of said judges or a majority of them may be sufficient for his removal; in the case of his removal the cause thereof must be specified in the order removing him. Before entering upon the discharge of the duties pertaining to his office, such clerk and register shall give bond sureties, to be approved by the judges of said court in a sum of not less than twenty thousand dollars, to be fixed by said judges which bond must be made

payable and be conditioned, filed and recorded as required by law in case of bond of clerks of the circuit court. Such clerk and register shall have all the powers and perform all the duties which may be now, or may hereafter be lawfully exercised or performed by clerk of the circuit courts and the registers in chancery in this State, including the power to issue attachments and all other extraordinary process. The fees of such clerk and register shall be the same as those now allowed, or which may hereafter be allowed by law in like cases and for like services to clerks of the circuit courts and registers in chancery in this State; and he and the sureties on his official bond shall be subject, where he is acting as the clerk on the law side of said court to the same liabilities and penalties as the clerks of the circuit courts and their sureties are now, or may hereafter be subject by law; and when acting as register on the equity side of said court, he and his sureties shall be subject to the same liabilities and penalties as registers in chancery and their sureties are now, or may hereafter be, subject by law; such liabilities and penalties to be enforced by the same remedies and in the same manner as the like liabilities and penalties of and against clerks, of the circuit courts and registers in chancery in this State are now or may hereafter be by law enforced. Such clerk and register shall reside during his continuance in office in the county of Jefferson.

Powers, duties,
etc.

Fees.

Section 4. Said court shall be held and the office of the clerk and register thereof, and the records of said court shall be kept at the court house of said county in the city of Birmingham, or at such other place or places as may be provided by the board of revenue or other lawful authority of Jefferson county. Said court shall hold one regular term in each year commencing on the first Monday in October and ending on the last day of the succeeding June, unless said last day be on Sunday.

Court, where
held.

Term of court.

day, and then on the next day preceding; and said court may hold special or adjourned terms when in the opinion of the judges of said court or a majority of them such special or adjournment terms may be necessary for a proper transaction of the business of said court; of such special terms ten days notice shall be required. During the regular terms of said court the judges thereof or a majority of them may take such recess or recesses as to them may seem proper and as may be consistent with the business before said court. Said court shall adopt and keep a seal which shall be and remain in the custody of the clerk and register.

Repeal.

Section 5. Be it further enacted, That all laws or parts of laws special or general in conflict with the provisions of this act, be and the same are hereby repealed.

Effect.

Section 6. Be it further enacted, That this act shall go into effect immediately upon its passage and approval.

Approved, February 26, 1907.

No. 144.)

AN ACT.

(H. 106.

To amend the caption or title, and section 4 of an act entitled, an act to authorize the court of county revenues of Dallas county to buy mules, horses, road machines and tools for the purpose of working the public roads of Dallas county; to work the convicts of Dallas county on the public roads of said county, to employ laborers and superintendents to work and supervise the working of the public roads of said county, to collect from persons subject to road duty, in lieu of work on said public roads, a sum of money not exceeding three dollars cash per annum, and to provide for collecting the same; to buy for use on

said public roads gravel, sand, chert and slag; to employ an engineer to grade said public roads, to fix the age of road duty from twenty-one years to sixty years; and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary. Approved September 18, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That the caption or title and section 4 of an act entitled, an act to authorize the court of county revenues of Dallas county to buy mules, horses, road machines and tools for the purpose of working the public roads of Dallas county; to work the convicts of Dallas county on the public roads of said county, to employ laborers and superintendents to work and supervise the working of the public roads of said county; to collect from persons subject to road duty, in lieu of work on said public roads, a sum of money not exceeding three dollars each per annum, and to provide for collecting the same; to buy for use on said public roads gravel, sand, chert and slag; to employ an engineer to grade said public roads; to fix the age of road duty from twenty-one years to sixty years and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary," approved September 18, 1903, be amended so as to read as follows, to-wit: An act to authorize the court of county revenues of Dallas county to buy mules, horses, road machines and tools for the purpose of working the public roads of Dallas county; to work the convicts of Dallas county on the public roads of said county, to employ laborers and superintendents to work and supervise the working of the public roads of said county, to collect from persons subject to road duty in lieu of work on public roads a sum of money not exceeding seven dollars and fifty cents

Amount col-
lected in lieu
of work on
roads.

each per annum, and to provide for collecting the same; to buy for use on said public roads gravel, sand, chert and slag; to employ an engineer to grade said public roads; to fix the age of road duty from twenty-one years to sixty years; and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary.

Section 4. That said court of county revenues is authorized and empowered to collect from all persons subject to road duty in said county in lieu of work on said public roads a sum of money not exceeding seven dollars and fifty cents each per annum, and to make all necessary rules and regulations for collecting the same including a provision that any person subject to road duty in said county who fails to pay said sum of seven dollars and fifty cents per annum in lieu of work on said public roads, and who fails to work on said public roads, under one of the road superintendents of said county for the time required by the general law, shall be subject to all the pains, penalties and liabilities under the general law for failure to work on the public roads after legal notice.

Approved, February 26, 1907.

No. 145.)

AN ACT.

(H. 685.)

To establish a law and equity court for Madison County.

Court estab-
lished.

Be it enacted by the Legislature of Alabama,
1. An inferior court of law and equity is hereby established for the county of Madison, to be called the law and equity court of Madison county.

Powers and
jurisdiction.

2. This court and the judges thereof shall have and exercise all the jurisdiction and powers of

the circuit court and the judges thereof, and of the chancery court and chancellors.

3. This court shall also be vested with full power and jurisdiction to hear and determine all civil causes at law and criminal causes, and causes in equity that may be transferred there-
Powers and jurisdiction over transferred cases.

4. The judge shall be appointed for this court by the governor, to hold until the general election in 1910, and until his successor is elected and qualified. The judge of this court at the time of his appointment, or election, shall have been a citizen of this State for five years next preceding his election, and shall be, not less than twenty-five years of age and learned in the law. The term of the judge shall be six years, and until his successor is elected or appointed and qualified; and a judge shall be elected at the general election in 1910, and every six years thereafter. The judge shall take and file the oath of office required or circuit judges. Vacancies in the office of judge shall be filled by appointment of the governor, the appointee to hold office until the next general election of circuit judges and until his successor is elected or appointed and qualified. The judge shall be a resident of the county of Madison at the time of his appointment or election and during his continuance in office. The salary of the judge shall be twenty-five hundred dollars per annum, to be paid out of the county treasurer monthly at the end of each month upon the order of the judge to the treasurer. Such claim shall be a preferred claim against the county.
Judge of appointment by governor. Term of office; when elected. Qualifications. Election of judge. Oath. Vacancy, how filled. Salary of; how paid.

5. Causes may be transferred from the chancery or circuit courts of the county to this court, and from this court to the chancery or circuit courts upon the written agreement of the parties filed in the court where the cause is pending,
Causes may be transferred; how.

and when so removed, cause shall stand for trial in the court to which they are removed as if originally filed therein.

Failure of
to attend
court, etc.,
appointment
special judge.

Incompetency
of judge.

Power and sal-
ary of special
judge.

Terms of
court.

Grand juries.

Qualifications,
etc., of juries.

6. All laws relating to the failure of circuit judges to attend court, penalty for failure to hold court by such judges and appointment of special judges for circuit court shall apply to this court and the judge thereof so far as practicable. All laws relating to the incompetency of circuit judges and the selection of a competent judge to act, shall apply to this court and the judges thereof, so far as practicable. Special judges shall have and exercise all the jurisdiction and power of the judge of this court and shall receive five dollars per day while actually engaged in holding court, payable out of the county treasury on their order to the treasurer.

7. This court shall be held on the second Monday in January and may continue until the last Saturday in June in each and every year or until the business is disposed of, and on the third Monday in September and may continue until the last Saturday in December in each and every year or until the business is disposed of, and at such terms shall transact all business, civil, criminal or in equity, in such order as the judge may direct or see fit.

8. Grand juries shall be organized at the January and September terms, whose sessions shall be limited to two weeks at each term, unless the judge shall enter an order upon the minutes extending the session.

9. All laws relating to the qualifications, competency, exemptions, objections to, challenging, drawing, summoning, organizing, swearing and arranging of juries and grand juries and talesmen and special petit juries in capital cases and special grand and petit juries and regular juries at special terms, applying to circuit courts, shall apply to this court as far as practicable, and not in conflict with any the provisions hereof.

10. All laws relating to indictments, excusing

jurors, objections to jurors, juries and grand juries and to organization of juries and grand juries, and to proceedings against defaulting jurors, and all laws of practice or procedure, in circuit courts, shall apply so far as practicable to this court, if not in conflict with any of the provisions hereof, and jurors and grand jurors shall receive the same pay to be paid in the same manner as in circuit courts.

Laws relating to indictments objections to jurors, etc., etc., applicable.

11. Petit jurors shall be drawn and summoned for the first three weeks of each of said terms in the manner now prescribed by law, and petit jurors may be drawn and summoned for any other week of said court, as the judge may direct, by an order entered on the minutes, such jury when so ordered must, be drawn from, the jury box, by the judge, and the jurors summoned as other jurors.

Time and manner of drawing petit jurors.

12. The judge may, if he sees fit, dispense with the summoning of a jury for any term or any part of a term by an order entered on the minutes in vacation term time; and he may by a similar order, dispense with the holding of any term of said court, or any part of a term at his discretion.

May dispense with summoning of jury.

Same as to term of court.

13. All laws, local or general, regulating proceedings and practice in the circuit court of said county, and regulating the proceedings and practice in circuit courts generally, where said general laws are not in conflict with said local or general laws regulating proceedings and practice in said county, so far as practicable shall apply to this court, and all rules of practice applicable to circuit courts, so far as practicable, shall apply to this court, when not in conflict with any provision hereof.

Laws regulating proceedings in circuit courts applicable.

14. All laws providing for and regulating appeals from the courts of justice of the peace and notaries public exercising the jurisdiction and powers of justices, and of the trials of such appeals in circuit courts, shall apply to this court, when not in conflict with any provision of this

Laws regulating appeals from justice courts applicable.

act; and parties shall have the same right of appeal from the courts of justices and notaries to this court as is allowed by law to circuit courts, in both civil and criminal cases.

Bailiffs appointed, salary of.

15. The judge shall appoint a sufficient number of bailiffs to attend upon the sessions of the court, who shall receive two dollars per day for their services, to be paid as jurors are paid.

Duties and liability of sheriff.

16. Sheriffs shall discharge the same duties in reference to this court required of them by law with reference to circuit courts, and shall be liable to the same pains and penalties in the discharge of such duties, and shall be entitled to the same fees and emoluments for such services and shall exercise all powers and authority conferred on them by law with reference to circuit courts and generally, in regard to this court.

Jurisdiction of supreme court.

17. The supreme court shall have appellate and supervisory jurisdiction over this court, and cases at law may be removed from this court to the supreme court in like manner as from circuit courts, both civil and criminal; and equity

Causes may be removed to supreme court.

causes may be so removed in like manner as from chancery courts; and the appellate and supervisory jurisdiction of the supreme court and the judges thereof shall be exercised in the same manner as in like cases it is exercised over circuit courts and judges and chancery courts and chancellors.

Witnesses; how summoned; penalties.

18. Witnesses before the grand jury and other witnesses in this court shall be summoned in the manner provided for witnesses before grand juries in circuit courts and witnesses generally in such courts and shall be subject to the same pains and penalties when in default, and shall receive the same pay allowed witnesses in circuit courts, to be taxed and collected in the same manner.

Pay of

Clerk circuit court ex officio clerk, duties; penalties; fees.

19. The clerk of the circuit court of said county shall be ex-officio the clerk of this court, and shall be clothed with all the powers, discharge all the duties, and receive all the emolu-

ments of circuit clerks, and be liable to the same pains and penalties, and his official bond as circuit clerk shall cover all derelictions of duty, with references to this court.

20. All laws, rules and regulations governing circuit courts and judges and chancery courts and chancellors, shall apply to this court and the judges thereof, so far as practicable and not in conflict with any of the provisions hereof. Laws governing same.

21. The register of the chancery court of Madison county shall be ex-officio register of this court sitting as a court of equity, and shall be clothed with all the powers and perform all the duties, and receive the fees of registers in chancery and his bond as register shall cover all dereliction of duty as register of this court. Register in chancery, duties of; liabilities, fees.

22. All laws, rules and regulations relating to practice and procedure in courts of chancery, shall apply to this court as a court of equity, so far as practicable, and not in conflict with any provision hereof. Laws of chancery court applicable.

23. In suits for divorce, where decrees pro-confesso are taken, causes may be determined in vacation; and upon a request being filed with the register by the complainant or his solicitor for a submission of such cause for decree in vacation, the register shall call the attention of the judge to such request, who as soon as practicable thereafter shall render a decree in such cause. Divorce causes determined in vacation.

24. Prosecutions for misdemeanors may be instituted and warrants issued in this court upon affidavit made before the judge or clerk of the court or a justice of the peace, returnable to the next term of the court; and parties so proceeded against, may, at such term, but not afterwards demand that the charge be investigated by the grand jury, and must execute bond for their appearance to answer such charge if an indictment is returned, and failing to execute bond must be committed to jail to await the action of the grand jury; but bond may be taken by the sheriff at any time after such commitment. When Prosecutions for misdemeanors. Demand for investigation by grand jury.

Duty of clerk
when demand
granted.

such demand is granted the clerk must lay the papers in the case before the next grand jury. The judge, clerk and justices of the peace are empowered to take sworn complaints as to parties charged with felony and to issue warrants therein returnable before the judge. In prosecutions for misdemeanor, the judge shall determine both the law and the facts, unless a jury is demanded and no statement of the offense shall be necessary other than that contained in the affidavit, which shall designate the offense by name, or by some phrase which in common parlance designates it and state that the affiant has probable cause to believe and does believe that such offense has been committed by the party accused.

Immediate
trial demand-
ed.

25. Parties in jail or in actual custody upon a charge of misdemeanor may by filing a demand in writing in person or through attorney, waiving a jury, demand have an immediate trial before the judge.

Additional sum
to be assessed
as costs.

26. In all convictions for misdemeanor a sum of five dollars shall be assessed as part of the costs, in addition to the other fees and costs, against the defendant, for the county, to be collected as other costs and paid into the county treasury as part of the general fund.

Appeals and
bills of excep-
tions; laws ap-
plicable.

27. All laws and rules, regulating bills of exceptions and appeals both in civil and criminal causes from circuit courts and appeals from chancery courts shall apply to this court so far as practicable.

Laws and rules
of circuit and
chancery
courts applica-
ble.

28. All laws and rules applicable to circuit and chancery courts and to proceedings and practice in such courts shall apply to this court where practicable and not inconsistent with any provision of this act.

Appeals from
justices court.

29. When an appeal is taken from the court of a justice of the peace or a notary public with jurisdictions and powers of a justice, the plaintiff if he take the appeal, shall file a new complaint to this court within ten days after the defendant take the appeal, the plaintiff shall file

such complaint within ten days after the filing of the papers in such court, provided notice of appeal has been served upon him for five days as now required by law. If plaintiff fails to file complaint within such time, his cause may be dismissed, or he may be allowed to file his complaint upon such terms as the court may prescribe. A defendant in appeal shall have ten days after such new complaint is filed, notice of appeal having been served on him for five days, to plead thereto, and failing to so plead, a judgment by default may be taken against him in vacation or in term time; but such judgment taken in vacation, may be set aside at the next term of court, at the discretion of the judge and upon such terms as he may prescribe. The clerk shall give immediate notice of the filing of the papers to the appellee.

Failure of plaintiff to file complaint.

Defendant in appeal.

30. It shall be lawful for the supernumerary judge or any circuit judge to hold this court.

Supernumerary or circuit judge may hold court.

31. One half of all fines assessed against defendants on conviction shall be paid in money, which be turned into county treasury as a part of the fine and forfeiture fund.

One-half of fines to be paid in money.

32. In all cases of conviction, the party convicted shall be sentenced to hard labor for the county, where the sentence is for two years or less, except when the county has no hard labor contract or its contract does not include the class or sex to which the party be sentenced belongs; and in case of felony no additional sentence for costs shall be imposed, but the cost of conviction shall be first paid out of the hire of the convicts, and the balance placed to the credit of the general fund of the county; in cases of misdemeanor, however, an additional sentence for costs may be imposed, as provided in section 5426 of the code. Nothing in this section, however, shall interfere with imprisonment in the county jail, in cases, where it is authorized by law and a jail sentence is deemed proper.

When parties sentenced to hard labor.

Additional sentence for costs.

33. Special terms of said court for the transaction of civil business at law or in equity and

Special terms of court.

criminal business may be called by the judge by an entry on the minutes, at any time to continue as long as the judge may deem it necessary; and the sheriff shall forthwith upon the order of the judge, bring the jury box into the court, and the judge shall draw therefrom a grand jury and a sufficient number of petit jurors for said term, and said grand jury when so ordered and organized, shall have and exercise all the powers of grand juries at regular terms. No notice of the calling of such special term shall be necessary and any and all business may be transacted thereat as at regular terms. Adjourned terms may also be held as provided by law for circuit courts.

Change of venue.

34. All rules, laws and regulations governing change of venue in circuit courts shall apply to this court, so far as practicable.

When juror sick; laws applicable.

35. All laws applying to circuit courts in regard to the keeping together and discharging sick jurors and juries; cases where the defendant stands mute or refuses to plead, or pleads guilty; appointing counsel to defend and serving copy of indictment and venire in capital cases, and allowing and providing for a waiver of special venire in capital felonies where the defendant or arraignment or at any time before a special venires drawn, pleads guilty, and regulating the practice in such cases, shall apply to this court, where practicable and not in conflict with the provisions hereof.

Bail.

36. All laws rules and regulations as to the taking of bail and bail generally, governing circuit courts and judges, shall so far as practicable apply to this court and its judge.

Final judgment and decrees.

37. Final judgment and decrees rendered in said court, shall, after ten days from their rendition, be taken and deemed as completely beyond the control of the court as if the term of the court had ended at the end of said ten days.

Executions.

38. Executions on judgments must issue within twenty days from the date of their rendition; but no execution shall issue within less than ten

days after the rendition of the judgment unless the party in whose favor it is rendered, make affidavit before the judge or clerk in person or through his attorney that in his opinion he is in danger of losing the fruit of his judgment. Alias executions may issue at any time. Executions must be made returnable within sixty days after the date of issuance.

39. The court shall not convene sooner than ten a. m., on the first day of each term. Time of convening court.

40. This act shall take effect immediately upon its approval, and the court may be organized and transact business for the remainder of the unexpired term as if the court had been in existence at the beginning of such term as fixed by this act. Effect.

Approved February 26, 1907.

No. 150.)

AN ACT.

(S. 236.

To alter, rearrange and extend the corporate limits of the city of Mobile, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act the corporate limits of the city of Mobile, Ala., shall be altered, rearranged and extended as follows: Commencing at a point on the east line of township five south, range one west, Mobile county, where the south line of section nine and ten, if projected, would intersect said township line, running westwardly along said line to the half section line of section nine, thence along the half section line of sections nine and four due north to the south line of township four south, range one west; thence west along the south line of said township to the west line of section thirty-three; thence due north to the north line of said section; thence due west to Bayou Durand; thence up said Bayou and along its east and north banks to the west line of section twenty-nine; thence due north to the north line of section eighteen

Corporate limits of Mobile.

township four, range one west; thence due east to the Three Mile Creek; thence along the south bank of Three Mile Creek to Mobile river, crossing the river to the township line, thence south along the township line to the place of beginning.

Effect.

Section 2. Be it further enacted, That the boundaries set out in this section 1 of this act, be and the same are hereby established as the corporate limits of Mobile, a municipal corporation in Mobile county, Alabama. Provided however that this act shall not take effect until from and after the first day of January, 1908.

Repeal.

Section 3. Be it further enacted, That all laws or parts of laws in conflict with this act, be and the same are hereby repealed.

Approved, March 2, 1907.

No. 157.)

AN ACT.

(H. 79.

To provide a better system of public roads for Blount county.

Appointment
of Superin-
tendents.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Blount county at its February term in 1907, and at its February term every two years thereafter, appoint three superintendents of public roads in each election precinct in said county, who shall serve for a period of two years from the time of their appointment.

Term of office.

Duties of superintendents.

Section 2. That the duty of said superintendents shall be as follows: First. To appoint good and intelligent overseers in their respective precincts who are subject to road duty and to commission them. Second. To apportion to their overseers in their respective precincts all public roads to be worked, subdividing the same so as to make them as nearly equal as possible, taking into consideration the general condition of the road.

Third. To apportion the hands in their precinct subject to road duty to the various overseers, and to deliver to each overseer a list of the hands apportioned to them for road service. Fourth. To see that overseers in their precinct, shall cause mile posts and sign boards to be erected. Fifth. To report to the grand jury of Blount county not later than the third day of every session thereof, the condition of public roads in their precinct and the name of any overseer in their precinct whose road is in bad condition. Sixth. To report to the court of county commissioners the names of the overseers in their precinct and the roads over which they have been appointed. Seventh. To go over all the roads in their precinct and inspect the same twice in each year.

Section 3. That the overseer of public roads ^{Overseer; dis-} in said county shall have the power to dismiss ^{missal of} from service any hand, whether working for him. ^{road hands.} self or as a hired hand, who shall fail or refuse to do good and sufficient work, or who shall hinder or delay other hands, or who shall refuse to obey all reasonable orders, and any such person may be proceeded against as though he had failed or refused to obey the notice to work on the road, for which he was warned.

Section 4. That the overseer shall preserve ^{Tools, etc.,} carefully all the tools and implements for work. ^{preserved by} ing on the roads turned over to him at any time ^{overseer.} by the court of county commissioners or by the superintendents, and shall use the same only to work on public roads, and shall deliver the same to his successor or to the order of his superintendent.

Section 5. That the court of county commissioners may at any time remove any superintendent of roads for neglect of duty, incompetency, drunkenness, or any other reasonable cause, and in case of death, removal or resignation of any road superintendent, the commissioners' court shall have the power at any time to fill the vacancy thereby caused. In case of the removal of a ^{Superintend-} ^{ents may be} ^{removed.}

Liable for
road duty.

superintendent, or resignation, he shall at once become liable to road duty and his name added to the list.

Superintend-
ent may resign
or not accept.

Section 6. That any person appointed superintendent may send in his excuse for not accepting or after he has accepted, may resign his appointment, to the county commissioner in whose district his precinct lies. Such commissioner shall hear his excuse for his failure to accept, or his reasons for resigning such appointment, and pass upon the sufficiency of such excuse and if deemed reasonable by him, such superintendent shall be removed and his successor appointed.

Superin-
tendents ex-
empt from
duty.

Section 7. All precinct superintendents shall be exempt from road duty during the time they serve as superintendents.

Persons liable
to road duty.

Section 8. That all male citizens of said county subject to road duty under the general laws of Alabama, shall be subject to road duty in said county and shall work on public roads thereof, not less than five nor more than eight days in any one year, the number of days to be worked, to be determined by the court of county commissioners at the February term of that year, by order of said court entered on the minutes thereof; provided, that the time to be worked shall be six days in 1907 and every precinct in the county shall work the same number of days in each year.

No. of days
worked.

Section 9. That any person subject to road duty as provided in section 8 of this act, may discharge the same by calling on and paying to the superintendents of his precinct the sum of one dollar for each day he may be required to work during the year, one-half of the same to be paid, not later than March and the remainder to be paid by August 15th of each year and failing so to do shall work the road when warned in person or by an acceptable substitute or be returned as a road defaulter.

Amount paid
in lieu of
work.

Overseer
may be re-
moved.

Section 10. That the superintendents of roads shall have power to remove at any time any overseer for neglect of duty, drunkenness, or any other

valid cause which renders him incapable to act as such overseer, and immediately to fill his place with another person, and in case of such removal by the superintendents, his name shall be added to the list of hands in the precinct, and he shall be subject to road duty at once; provided, also, that in case of death or resignation of an overseer, the superintendent shall have the power to fill the place of the overseer but no such resignation shall be accepted unless for good cause shown.

Section 11. That where money is paid to the superintendents in lieu of work in a precinct, such money shall be apportioned to the overseers of the roads by the superintendents and in the apportionment of said money the superintendents shall take into consideration the condition of the various roads, the amount of travel along them, and the difficulty of keeping them in repair.

Section 12. That the superintendents of each precinct shall report to the court of county commissioners at the November term of each year the manner in which the money paid to them has been expended, said report to be itemized and sworn to and passed upon by the said court.

Section 13. That the commissioners' court shall distribute the road tools and implements of the county now on hand, or those hereafter purchased under the provisions of this act, among the various precincts as will be most conducive to the best interest of the public roads. This distribution shall be made to the superintendents of public roads and the superintendents shall issue their receipts to the commissioners' court of the same and take receipts from overseers to whom such tools are distributed by them.

Section 14. That the court of county commissioners shall levy a special tax not to exceed one-fourth of one per cent. on the taxable property of the county, to be assessed and collected as other taxes and when paid into the treasury, shall be kept separate and apart from other funds, and used only for the maintenance or building of

public roads of the county under the direction of said court, having regard for the condition of the public road upon which the same is used, the amount of travel along the said road, and the work necessary to keep the same in repair.

List of names
furnished by
corporations,
etc.

Section 15. That all persons, firms, or corporations having three men or more working under them, subject to road duty, must upon demand of the superintendents of the precinct, furnish him with a list of their names and residences and such person, foreman or superintendent in charge of such men who fails to furnish a true list of such names shall be deemed guilty of a misdemeanor and on conviction, shall be fined not less than five nor more than fifty dollars for each offense.

Penalty for
failure.

Continuous
working days.
Hours per
day.

Section 16. That the number of days to be worked as herein provided, shall be put in continuously or as nearly so as is possible. A day to consist of nine hours.

Time for work-
ing roads.

Section 17. That whenever it can be done, it is the duty of the several superintendents to have the roads worked by the overseers at such time as the implements may be used first by one overseer and then by another, so that the implements bought and furnished by the county may be used by all the overseers as much as possible.

Warning
hands, etc.

Section 18. That the general laws of Alabama with reference to the mode of warning hands to work on the road, the length of notice to be given, and the kind of implements to be brought by the hand, shall apply in all cases in said county, and also the general law as to road defaulters, and the punishment and prosecution of the same, shall be enforced and applicable to this road law.

Failure to per-
form duty by
Supt. or over-
seer.

Section 19. That any superintendent or overseer who fails to perform his duty as such under the provisions of this act, shall be guilty of a misdemeanor and upon conviction fined not less than ten nor more than fifty dollars for each offense.

Failure to
properly use
money.

Section 20. That any superintendent of roads who fails to pay out to those entitled to it, the money received under this act, or uses such money

for other purposes than building and maintaining the public roads of his precinct, shall be guilty of embezzlement, and on conviction, shall be punished as if he had stolen the same.

Section 21. That the court of county commissioners of said county shall have and exercise in all things a general supervision and control over the roads and superintendents and overseers thereof. ^{Supervision of Commission-}

Section 22. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. ^{Repeal.}

Approved, February 27, 1907.

No. 158.)

AN ACT.

(H. 345.

To limit the number of constables, bailiffs and deputies who shall be paid out of the county treasury of Walker county, Alabama, for service in waiting upon and attending the regular, special or adjourned terms of the Walker county law and equity court and the circuit court of Walker county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That not more than three bailiffs, constables or deputy sheriffs who wait upon and attend any regular, special or adjourned term of the Walker county law and equity court or the circuit court of Walker county, Alabama, shall be paid for their service out of the county treasury of Walker county, provided there is no grand jury in session during such term of court. ^{No. of bailiffs, etc., when grand jury not in session.}

Section 2. That not more than twelve bailiffs, constables or deputy sheriffs who attend and wait upon any regular, special or adjourned term of the Walker county law and equity court, or the circuit court of Walker county, when a grand jury is in session at such term of court in addition to those provided for in section one of this ^{Same; when grand jury in session.}

Order of court before bailiffs, etc., paid. act, shall be paid for their service out of the county treasury of Walker county, Alabama.

Section 3. That before any constable, deputy or bailiffs shall be paid out of the county treasury of Walker county the court for which such service is done or to be done shall make and enter an order commanding the sheriff to summon such number of bailiffs, constables or deputies not exceeding the number hereinbefore provided for as in the opinion of the court may be necessary to carry on the business of the court.

In case of riots, etc.

Section 4. Be it further enacted, That in case of emergency, riots or any unusual occurrence happens the sheriff of Walker county may summon, and use as many deputies as he deems necessary to make arrests, or guard prisoners or to suppress riots or mobs.

Approved, February 28, 1907.

No. 161.)

AN ACT.

(H. 514.

To repeal an act entitled, "An act to regulate the trial of misdemeanors in Morgan county, Alabama," approved February 23, 1899, and to provide for the transfer of all causes and all papers and books relating thereto, remaining undetermined in the docket of said county court of Morgan county, to the Morgan county law and equity court.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That the act entitled "An act to regulate the trial of misdemeanors in Morgan county," approved February 23, 1899, be, and the same is hereby repealed.

Cases transferred.

Section 2. It is hereby made the duty of the clerk of said county court, immediately upon the approval of this act by the Governor to transfer to the Morgan county law and equity court of Morgan county, Alabama, all causes which may

be pending in said county court when this act goes into effect, together with all papers and books relating thereto; and said causes, as transferred to said Morgan county law and equity court, shall stand for trial in said court as if originally filed or begun therein, and the said Morgan county law and equity court shall have the same jurisdiction and powers in regard to said causes, and all books and papers relating thereto, as the said county court now has in reference thereto.

Section 3. All causes now pending in the supreme court of Alabama, in appeal from said county court of Morgan county, shall, if reversed, and remanded, be remanded to said Morgan county law and equity court, and shall thereafter stand in said Morgan county law and equity court as if originally brought therein; and all causes pending in said supreme court in appeal from said county court, if affirmed, shall be proceeded with in said Morgan county law and equity court as if originally brought therein.

Appeals now
in supreme
court, if re-
versed.

Section 4. That this act shall go into effect immediately upon its approval by the Governor.

Effect.

Approved, February 28, 1907.

No. 164.)

AN ACT.

(H. 596.

To provide for holding separate terms of the circuit court for Coffee county in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22, township 4, range 22, township 5, range 22, township 3, range 21, township 4, range 21, the east one-half of township 3, range 20, the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22, township 7, range 22, township 5, range 21, town-

ship 6, range 21, lying south of Pea river, and to regulate the holding of such court, to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba in said county of Coffee, defining the powers of the judge and clerk thereof, and regulating the drawing of its grand and petit jurors and providing for the transfer of causes from the circuit court held at Elba to said court held at Enterprise, and from the latter to the former.

Circuit court
at Enterprise;
term of, etc.

Section 1. Be it enacted by the Legislature of Alabama, That there shall be held at Enterprise, Alabama, in each year two terms of the circuit court for Coffee county, in the twelfth judicial circuit of the State of Alabama, for the trial of causes, and for the exercise of such other powers and jurisdiction as pertain to said court, said court to be presided over by the judge of said twelfth judicial circuit, or in case of his disability or failure to attend then by any person authorized by law to hold such court; each of said terms shall continue for two weeks or as long within that period as may be necessary to transact the business of the court at Enterprise. The terms of said court at Enterprise shall commence on the fourteenth Monday after the first Monday in March and September of each year.

Jurisdiction
of.

Section 2. Be it further enacted, That the said circuit court holding as above provided, and the judge and clerk thereof shall have, exercise and possess all the jurisdiction and powers which are now, or may hereafter be conferred by law upon the circuit courts of this State, and the judges and clerks thereof which said jurisdiction and powers of said court at Enterprise shall be exclusive within, limited to, and extended over that portion of the territory of Coffee county as follows, to-wit: Township 3, range 22, township 4, range 22, township 5, range 22, township 3, range 21,

township 4, range 21, the east one-half of township 3, range 20, the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36, and all that portion of the territory in township 6, range 22, township 7, range 22, township 5, range 21, township 6, range 21, lying south of Pea river and from and over the above described district all jurisdiction and power exercised therein at the time of the passage of this act by the circuit court of Coffee county held at Elba is expressly excluded, except as to cases now pending therein which may not be transferred according to the provisions of this act, which said last mentioned cases shall continue in said court at Elba as if this act had not been passed.

Section 3. Be it further enacted, That all laws, general, local and special, now in force regulating and governing the circuit court as the same is held at Elba, in and for the county of Coffee, and all rules of practice pertaining thereto, as well as those governing the powers of the judge and clerk of said court, or which may hereafter be enacted or promulgated, shall within said district be of force and govern in and apply to the circuit court held at Enterprise, under this act, and the judge and clerk thereof.

Section 4. Be it further enacted, That the court of county commissioners of Coffee county shall at the expense of the county provide a suitable building or buildings in which to hold the terms of the said circuit court at Enterprise and for the use of the officers thereof, and necessary for the dispatch of the business of said court, and provide for the rent, which shall not exceed three hundred dollars (\$300.00) per annum; and the equipment and other expenses incident to such court, and it shall be the duty of the court of county commissioners on the petition of two hundred voters of the county, to submit to the qualified voters of the county at the first general election held in said county after the filing of said petition, the question of the purchase or erection

Laws applicable.

Duty of county commissioners to provide buildings, etc.

Election for purchase or erection of building.

of such building or buildings, such election to be held and the result thereof ascertained under such directions as the court of county commissioners may prescribe, and if a majority of the vote cast at such election shall be in favor of the erection or purchase of such building or buildings, it shall become the duty of said court of county commissioners to purchase or erect and equip at the expense of the county, a suitable building or buildings for said court and its officers, said building or buildings to be so purchased or erected at a cost of not less than fifteen thousand dollars (\$15,000.00), and the court of county commissioners is hereby authorized if it shall be necessary to levy a special tax for that purpose. If the election herein provided for should result in a majority of the votes thereat being against the purchase or erection of said building or buildings, then upon like petition filed with said court of county commissioners at intervals of two years or more another or other elections shall be held as herein provided.

Cost of same.

Interval between elections.

Powers and duties of circuit clerk.

Deputy at Enterprise.

Section 5. That the clerk of the circuit court of Coffee county shall exercise all the powers and discharge all the duties in connection with the said circuit court and the terms thereof to be held at Enterprise in said county that attach to his office by law; that it shall be the duty of said clerk to keep an office at Enterprise and to provide and keep therein all the necessary dockets and records together with all papers, printed blanks, and documents connected with the litigation and business in said court at Enterprise or pertaining thereto; that the said clerk shall keep said office open as required by law of circuit clerks, and shall attend the said court in person or by deputy; that he shall appoint a deputy who shall reside at Enterprise and the deputy so appointed shall, at Enterprise for and in the name of said clerk, exercise all the powers and perform all the duties, which are now or may hereafter be vested in, en-

joined or imposed upon the clerk of the circuit courts in this State; that the said deputy shall take the oath of office required by law for deputy circuit clerks and may be required by the said clerk to enter into a bond with surety or sureties, in the penalty of two thousand dollars, payable to the State of Alabama and conditioned faithfully to discharge the duties of his office during the time he may continue therein, or may discharge any of the duties thereof, which bond must be approved by the clerk by whom he is appointed, and be kept in the custody of the county treasurer of Coffee county, and any person who may be aggrieved by any wrongful act or omission of the said deputy may proceed in his own name against said deputy clerk and his sureties, or either or any of them, or on the bond of the clerk of said court but if the party so injured shall proceed against the circuit clerk by whom the deputy so causing such injury was appointed, or under whom he was at the time of such injury acting, the said deputy's bond above provided shall be deemed and held as a bond of indemnity to the said clerk so proceeded against.

Section 6. That the sheriff of Coffee county shall have an office and keep the same open at Enterprise, and shall appoint a deputy who shall reside within the district mentioned in this act and the said sheriff shall provide and keep in said office all the necessary dockets, records, papers, and documents suitable to the sheriff's office and pertaining to the business of said court at Enterprise; the said sheriff or his said deputy shall attend the terms of said court at Enterprise and preserve order thereat, execute and return its process, furnish all necessary subordinate officers and perform in connection with such court and otherwise within such prescribed district, all other duties pertaining by law to the sheriff's office.

Section 7. That in all cases where appeals or writs of *certiorari* now, or shall hereafter, lie or be returnable to the circuit court, Appeals, etc., in district returnable at Enterprise.

Process; re-
turnable at
Enterprise.

Persons liable
to jury duty.

Names placed
in separate
box at Enter-
prise.

Petit jurors.

cuit court in Coffee county from decisions or proceedings of justices of the peace, or notaries public exercising like jurisdictions, or from any other officer or court such appeals or writs of certiorari, when taken or sued out from or to such officers or courts within the district aforesaid or affecting persons or property therein after the passage of this act, shall lie and be returnable to the circuit court at Enterprise, and in all cases of preliminary examinations, and where any process shall issue from, or to such officers or courts or from the probate judge affecting any persons or proceedings within such specified district, now or hereafter returnable by law to the circuit court, the same shall be returnable to the said circuit court at Enterprise.

Section 8. That all persons liable to jury duty residing within said described district shall be liable to jury duty in said circuit court at Enterprise, and the names of such persons now included in the jury lists or boxes of Coffee county shall be removed therefrom and placed in a separate box for the Enterprise terms of the circuit court of Coffee county, which said box, when not in use by the county commissioners in their annual drawings of the jurors for said circuit court at Enterprise, shall be safely kept by the clerk of said circuit court or his deputy at Enterprise, Alabama, the key of said box to be in possession of the said circuit judge; that for the year 1907 the said circuit judge shall order at least four weeks prior to each term at Enterprise and for each term or such term as he may deem necessary the court of county commissioners to draw under the laws for drawing jurors in said county such petit jurors for each or such term of said court at Enterprise during said year as to said judge may seem necessary and proper; that for all terms of said court at Enterprise after the year 1907 all petit juries therefor shall be drawn from said district as such jurors are required by law to be drawn for Coffee county; and that all inhabitants, residents, of the district

herein described, liable to jury duty shall not be drawn for services as petit jurors in the circuit court held at Elba whose jurisdiction at Elba is excluded from said described district.

Section 9. That all cases and proceed-^{Cases trans-}ings now pending in the Circuit court at ^{ferred.} Elba in which the defendant or defendants are residents of the district herein described and which shall be undetermined on the first day of April 1907 shall on application of such defendant or defendants made to the court in term time, or to the judge in vacation, in writing, be transferred from the dockets of the said circuit court at Elba by order of said court or judge to the proper dockets of the said court to be held at Enterprise where the same shall proceed in all respects as if they had been originally brought to said circuit court at Enterprise; and the clerk of said court at Elba, in respect of such cases and proceedings, shall be governed by the laws now or hereafter regulating the transfer of cases from one court to another court in this State, but all cases and proceedings pending in said court that are not so transferred shall continue in said court as if this act had not been passed.

Section 10. That the designation of the ^{Designation of} court held at Enterprise shall be the cir-^{court.}cuit court of Coffee county at Enterprise, Alabama, and the same shall be so styled in the summons and other process issuing therefrom or returnable thereto.

Section 11. That as grand juries are ^{Grand juries;} drawn by law for the circuit courts of ^{how drawn} this State a grand jury shall be drawn ^{and summon-}ed. and summoned for each term, in each year, of said circuit court at Enterprise from competent persons residing within said described district, and no person residing within said district shall be required to serve on any grand jury drawn or summoned for said court at Elba. The solicitor ^{Duties, etc., of} for the twelfth judicial circuit shall be and is ^{solicitor.} hereby invested and charged with all the duties, powers and liabilities within said described dis-

Special grand
juries.

trict and in respect of criminal cases and proceedings in said court at Enterprise, as are now or may hereafter be invested in or imposed upon him in respect of the remainder of said twelfth circuit and in like cases and proceedings in other circuit courts in said circuit. Special grand juries may also be drawn from said district for said court at Enterprise as authorized by law in like cases.

Civil causes
pending may
be transferred.

Section 12. That any civil cause pending in said circuit court at Elba or at Enterprise may by the written consent of the parties or their attorneys of record filed with the clerk where the said cause is pending or announced in open court be, by the order of said court transferred from said court at the one place to the other and shall proceed in the court at the place to which it is transferred in all respects as it would have done had the same originated therein; and criminal cases by like consent of the defendant and solicitor, and subject to the discretion of the court, may be transferred in like manner, and in all civil or criminal cases which for any reason a trial cannot be had at the session of the court at Elba or Enterprise at which it should be tried, and in such civil and criminal cases as in the opinion and discretion of the court the public interests so require, it shall be the duty of the judge of the circuit court to order the transfer of such cases for trial at Enterprise or at Elba as the case may be, provided, that by such transfer the defendant or defendants in criminal cases shall not be deprived, against their objection of the right of trial by an impartial jury of the district in which the offense was committed, and the clerk in such and in all transferred cases shall be governed by the provisions of law regulating the transfer of cases from one court to another court in this State, and such transferred cases shall proceed in the court to which they are so sent in all respects as if they had originated therein.

Criminal
cases trans-
ferred.

Section 13. That until a safe and suitable jail can be erected at Enterprise, Alabama, all persons required to be confined in the county jail of Coffee county shall be confined in the jail at Elba; and it is hereby made the duty of the court of county commissioners of said county to erect and equip at Enterprise a suitable jail by the first day of January 1908 at the expense of the county.

Section 14. That after the erection of a safe and suitable jail at Enterprise all persons held for or convicted by said circuit court at Enterprise shall be confined in the jail at Enterprise or at Elba as the sheriff may deem safer and the sheriff of said county shall in respect of the said jail and the custody, maintenance and protection of prisoners therein and otherwise be invested with all the powers and subject to all the duties and liabilities attaching to the office of sheriff under the laws of this State in such matters.

Section 15. That the said circuit court held at Enterprise pursuant to this act shall have jurisdiction of all causes and proceedings civil and criminal within said district conferred by law upon the circuit courts in this State, and the judge and clerk of said court shall have all the powers conferred by law upon circuit judges and clerks in this State, said jurisdiction and powers to extend to all offenses committed within said district and to civil causes and proceedings against persons residing therein and corporations doing business by agents therein, whether the cause of action arose therein or not, and to all suits and proceedings at law for the recovery of lands therein, or the possession thereof, or for injury to such lands or possessions thereof, and against non-residents of this State, who may be found therein or who may have property therein, and all cases now or hereafter authorized by law against non-residents of this State, and to all other proceedings in said district of which circuit courts in this State have jurisdiction; Provided; that if any civil suit is brought in said

Civil suit
against de-
fendants resid-
ing in both
districts.

court at Enterprise or at Elba against several defendants one or more of whom reside within the said district and one or more without said district or for the recovery of lands or the possession thereof lying partly within and partly without said district, such suit may be maintained in the said circuit court held either at Enterprise or Elba; but if suit be brought in said court either at Elba or at Enterprise against several defendants and it shall be made to appear to the court that all the material defendants reside within said district or without said district, but within said county, then said case shall on the application of the said material defendants be transferred to the court at Elba or at Enterprise as the case may be, in the manner prescribed in this Act for the transfer of cases.

Rules, etc.,
of circuit
court appli-
cable.

Section 16. That in all respects in which the commencement or adjournment of the circuit courts of this State affect the time for the issue or return of process, or for signing bills of exceptions, or the running of any statute of limitations, or where time has by law or rule of practice any relation to such courts or the commencement or adjournment thereof, such law or rule shall also apply to said court, and to the commencement and adjournment of the terms thereof, held at Enterprise; and wherever a sale is required by law to be made, or act done, at the court house such sale or act if it pertains to or affect said court at Enterprise shall be made or done at the place where said court is located at Enterprise.

Sale where
made.

Judgments,
etc., subject
to appeal.

Section 17. That the judgments, orders and proceedings of said circuit court at Enterprise shall be subject to appeal or review as provided by law for like cases, and all laws affecting the jurisdiction, powers, proceedings and officers of circuit courts in this State shall apply thereto within said district.

Repeal.

Section 18. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Feb. 28, 1907.

No. 165.)

AN ACT.

(H. 138.)

To detach Lee county from the Northeastern Chancery Division, and to transfer the cases pending in the Chancery Court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Section 1. *Be it enacted by the Legislature of Alabama,* That the county of Lee is hereby detached from the northeastern chancery division of Alabama, and all cases pending in the chancery court of Lee county are hereby transferred to the Lee county court of law and equity, which Lee county court of law and equity is hereby clothed with the full and complete jurisdiction to try and determine the same in all respects as fully as said chancery court of Lee county had before said transfer. Provided this law shall take effect on July 1, 1907.

Section 2. That all laws in conflict herewith are hereby repealed.

Approved February 28, 1907.

No. 166.)

AN ACT.

(H. 139.)

To abolish the county court of Lee county, to transfer the cases there pending and its jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Section 1. *Be it enacted by the Legislature of Alabama,* That the county court of Lee county is hereby abolished, and all cases pending in said county court of Lee county are hereby transferred to the Lee county court of law and equity, which Lee county court of law and equity, is and equity, with Lee county court of law and

Jurisdiction
conferred.

Effect.

Repeal.

equity is hereby clothed with full and complete jurisdiction to try and determine said cases in all respect as fully as said circuit court of Lee county had before said transfer, provided, this law shall take effect July 1, 1907.

Section 2. That all laws in conflict herewith are hereby repealed.

Approved February 28, 1907.

No. 167.)

AN ACT.

(H. 137.

To detach Lee county from the third judicial circuit, and to transfer the cases pending in the circuit court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

County de-
tached.

Causes trans-
ferred.

Jurisdiction
conferred.

Effect.

Repeal.

Section 1. *Be it enacted by the Legislature of Alabama*, That the county of Lee is hereby detached from the third judicial circuit, and all cases pending in the circuit court of Lee county, are hereby transferred to the Lee county court of law and equity, which Lee county court of law and equity is hereby clothed with full and complete jurisdiction to try and determine said cases in all respects as fully as said circuit court of Lee county had before said transfer, Provided, this law shall take effect July 1, 1907.

Section 2. That all laws in conflict herewith are hereby repealed.

Approved February 28, 1907.

No. 168.)

AN ACT.

(H. 658.

To provide for the payment by Cullman county of one-half the costs of construction of the Albritton Bridge over the Mulberry river which was constructed by Blount county and has since been acquired in part by Cull-

man county by a change of the boundary lines between the counties of Cullman and Blount. Be it enacted by the Legislature of Alabama:

1. That the county of Cullman is liable for and is required to pay to the county of Blount one-half of the cost of construction of the Albritton bridge over the Mulberry river, which said bridge was acquired in part by the county of Cullman by virtue of the Act of the Legislature of March 5, 1901, (Local Acts 1900-01, page 2051), changing the boundary line between the counties of Cullman and Blount. Part to be paid by Cullman county.

Section 2. That the court of county commissioners of Blount county, as soon as is practicable after the passage of this act, shall ascertain as near as may be the amount of one-half of the cost of constructing the Albritton Bridge and shall certify a statement of the amount so ascertained to the court of county commissioners of Cullman county; and the court of county commissioners of Cullman county must then issue a certificate of indebtedness for such certified amount in favor of the county of Blount which shall be paid by the county of Cullman as now provided by law for the payment of county dues. How amount ascertained and certified.

Section 3. Any county commissioner of Cullman county who fails or refuses to audit or pass upon the amount certified by the court of county commissioners of Blount county so provided in section 2 of this act at next regular meeting of court of county commissioners of Cullman county after the presentation of such certified claim shall be liable to a penalty of five hundred dollars to be recovered against him in a civil action at the suit of the county of Blount. Penalty for failure to audit claim.

Section 4. The county of Blount may maintain all proper actions in any of the courts of this State against the county of Cullman or against the county officers of Cullman county necessary or proper to enforce the provisions of this act. Actions to enforce act.

Approved February 27, 1907.

No. 169.)

AN ACT

(H. 616.

To appropriate one-third of the net proceeds of the dispensaries operated in Houston county, Alabama, to the public schools of said county, and to provide for the collection and the disbursement of the same.

Appropriation.

Section 1. Be it enacted by the legislature of Alabama, That after the passage of this act, one-third of the net proceeds of each dispensary run or operated in Houston county, Alabama, be, and the same is hereby appropriated to the public schools fund of said county.

Books kept by dispensaries.

Section 2. That each dispensary run or operated in said county shall keep a set of books, showing the quantity of goods purchased by said dispensaries and the price for same, the quantity of goods sold, and the price received for same and the entire expense of running and operating said dispensaries.

Rights of Co. Supt. to examine books.

Section 3. That the superintendent of education of said county shall have the right at any time, to inspect and examine the books provided for in section 2 of this act, to see that they are properly kept, and to ascertain what the net proceeds of each dispensary are.

Semi-annual statements

Section 4. That each dispensary so run or operated is required to file with the superintendent of education of said county, a statement semi-annually, on the 1st day of January and July of each year, showing the receipts and disbursements and the expenses of running said dispensaries, during the time covered by the said statement, and to pay over to the superintendent of education for said county, on the 5th days of Jan. and July of each year, one-third of the net proceeds arising from the running and operating of the dispensaries during the last preceding six months or fractional parts thereof, provided said dispensaries have not been run for a period of

When amount paid.

six months next preceding said 5th days of January and July.

Section 5. That if the said county of Houston, Failure to pay.
or any incorporated town thereof, if either shall run or operate a dispensary, and fail by the 5th days of January and July of each year, as provided for in section four of this act, to pay over to the superintendent of education of said county one-third of the net proceeds arising from the running or operating of said dispensaries, the superintendent of education of said county is authorized to sue said county or such incorporated town Suit brought.
in his name, as superintendent of education for said county, for the recovery of said proceeds, and whatever money is recovered by such suit shall belong to the public school fund of Houston county, Alabama.

Section 6. That the county board of education Disburse-
shall disburse said funds arising from the run- ment of funds.
ning and operating of said dispensaries, and pay over to the superintendent of education of Houston county, Alabama, as it is now required to disburse the general school fund apportioned by the State of Alabama to said county.

Section 7. That the superintendent of educa-Commission of
tion of Houston county, Alabama, shall be enti-Co. Supt.
tled to receive four per cent. commission on all of said funds arising from the running or operating of said dispensaries that is disbursed by the county board of education, paid out by him.

Approved Feb. 27, 1907.

No. 170.)

AN ACT

(H. 631.

To amend section 1 and 2 of "An act to amend sections 1, 2, and 5 of an act to provide for an election in the various beats or parts of beats in Clay county on the subject of stock running at large in the beats or parts of beats in said county, approved Dec. 10, 1890," approved March 4, 1901.

Sections
amended.

Elections;
how ordered.

Section 2
amended.

Elections; how
conducted, etc.

Result certi-
fied to pro-
bate judge.

Majority
against
stock run-
ning at large.

Sec. 1. Be it enacted by the Legislature of Alabama, That section 1 of "An act to amend sections 1, 2, and 5 of an act to provide for an election in the various beats or parts of beats in Clay county on the subject of stock running at large in the beats or parts of beats in said county, approved Dec. 10, 1890, approved March 4, 1901," be amended so as to read as follows: Section 1. That whenever fifteen or more householders in any beat or in district consisting of a beat, in Clay county shall petition the probate judge of said county, in writing, asking for an election to be held in said beat or district to decide whether in said beat or district stock shall be prohibited from running at large, the probate judge shall order an election in said beat or district, at some central point in said beat or district which order shall be published by notices posted in at least three public places in said beat or district for thirty days previous to said election, specifying the day of the election, to decide whether in such beat or district stock shall be prevented from running at large.

Sec. 2. That section two of said amendatory act, approved March 4th, 1901, be amended so as to read as follows: Section 2. That the probate judge shall appoint two managers of such election, one who favors and one who opposes such law. At such election the qualified voters within the beat or district shall be allowed to vote only. Those in favor of stock at large shall have on their ballots, the words, "Stock at large," and those opposing shall have on their ballots, the words, "No stock at large," said words to be either printed or written or both written and printed. The ballots so cast at the close of such election shall be counted by the managers, and the results certified to the probate judge within two days after the election. If a majority of the votes cast as certified by the managers are in favor of prohibiting stock from running at large, the said judge shall enter an order on the minute book of the

county commissioners, and shall at once cause such order to be published by posting notices at three public places in the beat or district; and sixty days after posting such notices this act shall apply and be in full force and effect in said beat or district; and it shall be unlawful after the expiration of said sixty days for the owner of any stock to permit such stock to run at large in said beat or district; and for the wilful violation of this section the owner of such stock running upon the lands or crops of another shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars: ^{Penalty for violation} Provided that this latter part of this section shall not apply to parties living outside of prohibited territory; and the term stock ^{"Stock," meaning of.} when it occurs in this act shall mean horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs. ^{Certified copy of record admissible as evidence.} Provided that the order of the probate judge hereinabove required to be entered on the minute book of the county commissioners, or the record thereof as shown by said minute book, or a certified copy of said record may be offered in evidence, and shall be admissible in any court and shall be proof that such election was held, and the result thereof declared.

Approved February 28, 1907.

No. 173.)

AN ACT

(H. 370.

To amend section one of an act entitled an act, to amend the act "To incorporate the city of Tuscaloosa," approved March 12th, 1873, by amending section one of said act, so as to extend the boundary lines of said city, approved February 20, 1889, so as to fix, define and enlarge, the boundaries of the said city of Tuscaloosa.

Section 1
amended.

Boundaries of
city of Tus-
caloosa.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled "An act to amend the act to incorporate the city of Tuscaloosa, approved March 12, 1873, by amending section 1 of said act so as to extend the boundary lines of said city, approved Feb. 20, 1889, be amended by amending section one of said act, so as to read as follows: Section 1. Be it enacted by the legislature of Alabama, That all that tract of land, in Tuscaloosa county, Alabama, included within the following boundaries, shall constitute and be designated and known as the city of Tuscaloosa, viz.: Beginning at a point on the lower water line of the north bank of the Warrior river, opposite the north end of West 17th street, as the same is platted and laid out in the survey and map of the Tuscaloosa Coal, Iron and Land Company, run thence across the river and along the western margin of said West 17th street to the south margin of south 8th avenue, thence east along the margin of said south 8th avenue to the east margin of east 3rd street; thence north along the east margin of east 3rd street, a distance of three blocks, more or less, to the south margin of east south 5th avenue, at the north east corner of lot of 491, thence east along the south margin of said avenue a distance of three blocks, more or less, to the east margin of east 6th street, thence north along the east margin of east 6th street, to the north margin of north 6th avenue, thence west along the north margin of north 6th avenue to the east margin of 10th avenue, thence north along the east margin of 10th avenue parallel with the west boundary lines of sections twenty-three and fourteen to the low water line of the north bank of the Warrior river; thence west along the low water line on the north bank of said Warrior river to point of beginning; (all the streets, avenues, lots and blocks herein referred to, being as laid off and designated in the map and survey of the Tuscaloosa Coal, Iron and Land Company.)

Approved March 4, 1907.

No. 174.)

AN ACT

(H. 617.

To provide for the establishment of dispensaries
in Houston county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That after the passage of this act, that no dispensary can be established by any incorporated town in Houston county, Alabama, until the question of dispensary, and no dispensary has been voted on by the qualified electors residing within the corporate limits of said town.

Section 2. That at said election, all persons, and no others, shall be entitled to vote on the question of dispensaries and no dispensaries, who are legally qualified voters under the laws of Alabama, on the day the election is held.

Section 3. That any three qualified electors residing within the limits of any incorporated town can file with the mayor, or intendent of said town a petition signed by themselves, asking the mayor to call an election for the purpose of determining whether or not said town shall run or operate a dispensary therein, under the general dispensary law of the State of Alabama.

Section 4. That upon the filing of said petition, it shall be the duty of the mayor, within five days after the filing of such petition, to call an election to be held not less than ten days from the date of said call, and said mayor shall give notice of the holding of said election, by posting three written notices, stating the time, place and purpose of holding said election, in three public places in said town, said notice to be posted, at least, five days before the holding of said election.

Section 5. It shall be the duty of the mayor and councilmen, or board of aldermen of said town, to appoint three managers to hold said election, and one of said managers, if there be such in said town, shall be in favor of a dispensary, and one, if there be such in said town,

shall be opposed to said dispensary; and said managers shall have the power to select clerks for the holding of said election. The mayor and aldermen, or councilmen, shall provide tickets to be used for the holding of said election, on which shall be printed, "For dispensary" and "Against dispensary," and any qualified elector who votes at said election, who desires to vote for a dispensary, shall manifest his choice by making a cross mark opposite the words, and on the left hand side thereof, "For dispensary" printed on said ticket; and any qualified elector who desires to vote against the establishment of a dispensary, shall manifest his choice by making a cross mark opposite the words, and on the left hand side thereof, "Against dispensary," printed on said ticket.

Booths provided.

Section 6. That said mayor and aldermen, or councilmen, shall provide suitable boxes or booths in which the ballots that are cast at said election shall be placed, which shall be in accordance with the general laws of the State with reference to booths and boxes at State and county elections.

Polls; opening and closing of.

Section 7. That the polls shall be opened and closed at the hours required by the State law for State and county elections.

Votes counted and result certified.

Section 8. That when the polls at said election are closed the managers shall proceed to count the votes cast, and if it shall appear that a majority of the voters voting at said election shall have voted for a dispensary, then the managers of said election shall so certify to the mayor and aldermen, or councilmen of said town, and if it shall appear that a majority of said voters voted against the establishment of a dispensary, said managers shall so certify to said mayor and aldermen or councilmen of said town.

Majority votes for dispensary; dispensary established.

Section 9. If the managers of said election shall certify to the mayor and aldermen or councilmen of said town that a majority of the voters therein have voted for a dispensary, then said town can proceed to establish and operate a dis-

dispensary under the general dispensary laws of the State; but if the managers of said election shall certify to the mayor and aldermen or councilmen that a majority of the voters of said election voted ^{Majority} against the dispensary then said town shall not ^{against; no} operate or establish a dispensary.

Section 10. That elections to establish dis- ^{Time between} pensaries under this act shall not be held oftener ^{elections.} than once a year.

Section 11. That this act shall not apply to ^{Ineffective as} towns that are running or operating dispensa- ^{to dispensaries} ries in any form at the time of its passage. ^{now existing.}

Section 12. This act shall become effective ^{Effect.} immediately upon its passage.

Approved Feb. 28, 1907.

No. 175.)

AN ACT

(H. 618.)

To repeal an act entitled an act "To prohibit the manufacturing of vinous, spirituous or malt liquors, or to sell, give away or otherwise dispose of vinous, spirituous or malt liquors, or other intoxicating beverages within six miles of Union Hill Baptist church, in beat 17 of Henry county, passed by the general assembly of Alabama, session 1898-1899 and approved on the 21st day of February, 1899.

Section 1. Be it enacted by the legislature of ^{Act repealed.} Alabama, That an act to prohibit the manufacturing of vinous, spirituous or malt liquors, or to sell, give away or otherwise dispose of vinous, spirituous or malt liquors, or other intoxicating beverages within six miles of Union Hill Baptist church in beat 17, Henry county, be and the same is hereby repealed.

Section 2. That all laws and parts of laws, in ^{Repeal.} conflict with this law, be and the same are hereby repealed.

Effect.

Section 3. That this act shall go into effect immediately upon its passage.

Approved February 28, 1907.

No. 178.)

AN ACT

(H. 536.

To prohibit the sale, barter, exchange or giving away of spirituous, vinous or malt liquors or intoxicating drinks within Camp Smith precinct No. 12, and Wheeler precinct No. 9, in Colbert county.

Sale, etc., prohibited.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage of this act it shall be unlawful to sell, barter, exchange or give away spirituous, vinous or malt liquors or intoxicating drinks within Camp Smith precinct No. 12 and Wheeler precinct No. 9 in Colbert county.

Penalty for violation.

Section 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may be sentenced to hard labor for the county for not less than three nor more than twelve months.

Approved February 28, 1907.

No. 179.)

AN ACT

(H. 163.

To fix the time of holding the city court of Montgomery. Be it enacted by the legislature of Alabama;

October term of city court.

Section 1. The October term of the city court of Montgomery shall be held on the first Monday in October of each year and shall continue until the Saturday before the second Monday in July following:

Section 2. The July term of said court shall ^{July term.} begin on the second Monday in July of each year and continue until the Saturday before the first Monday in October following unless sooner adjourned by an order thereof.

Section 3. Grand juries for said court shall ^{Grand juries.} be summoned to the first Monday in October, the first Monday in February and the second Monday in July of each year.

Section 3 1-2. Nothing in this act shall be ^{February} held to affect in anywise the holding of the Feb- ^{term not af-} ruary term of said court in each year for the trial ^{fected.} of criminal causes in said court as heretofore provided by law.

Section 4. Grand juries heretofore drawn to ^{Grand juries} serve at the February, July and October terms, ^{heretofore} 1907, of said court shall be summoned to attend ^{drawn.} on the dates in said months fixed by this act for the meeting of the same.

Approved February 28, 1907.

No. 180.)

AN ACT

(H. 85.)

To constitute a board of jury commissioners for Choctaw county.

Section 1. Be it enacted by the legislature of ^{Jury commis-} Alabama, That the probate judge, sheriff and ^{sioners.} clerk of the circuit court be and are hereby constituted a board of jury commissioners for Choctaw county, and shall perform all and singular duties now required by law of the court of coun- ^{Duties of.} ty commissioners, with reference to the drawing of juries, grand and petit, for the county of Choctaw.

Section 2. That all laws and parts of laws in ^{Repeal.} conflict with this act, be and the same are hereby repealed.

Approved February 28, 1907.

No. 181.)

AN ACT

(H. 50.

To authorize the town of Pell City, in St. Clair county, to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and for the purpose of better controlling and regulating the sale of such liquors, upon the casting of a majority vote in favor of such dispensary at an election to be held by the qualified voters of precincts 10, 12, 15, 16, 19, 13, 14, 11, in St. Clair county on the 2nd Monday in April, 1907; and upon the casting of a majority vote against such dispensary at the election herein provided for to repeal the act approved February 28th, 1903, establishing a dispensary at Pell City, the repeal to take effect December 31st, 1907. Be it enacted by the legislature of Alabama as follows, to-wit:

Dispensary
authorized.

Section 1. The town of Pell City in St. Clair county shall have authority to conduct and carry on in its corporate name, in its corporate capacity and through its legislative body the business of buying and selling spirituous, vinous and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary, and the same shall be located and conducted only within the corporate limits of the town of Pell City. The town of Pell City shall invest in said business a sum of money not less than three hundred dollars nor more than twenty-five hundred dollars, and the liquors bought and sold as herein provided shall be of the purest and best quality.

Amount to be
invested.

Dispenser cre-
ated.

Section 2. The office of dispenser is hereby created for the said dispensary who shall hold office until his successor is elected and qualified,

and no man shall be elected to the office of dispenser unless he be a resident of St. Clair county, twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding and competent to carry on the business.

Section 3. The first dispenser shall be elected ^{Dispensers;} by the legislative body of the town of Pell City ^{how and when} as soon as practicable after this act goes into effect, ^{elected.} and succeeding dispensers shall be elected by the same authority and in the same manner as is now or may hereafter be provided by law in the ordinances of the town of Pell City for the election of town clerk. The dispenser, under the direction and control of the legislative body of the town of Pell City, shall buy and sell liquors and carry on the dispensary until his successor is elected and qualified, and he shall be provided with whatever money within the aforesaid limits that the said legislative body may wish them to use in conducting the business. Before entering upon the duties of his office, the dispenser shall make affirmation before an officer ^{Oath.} authorized to administer oaths that he will obey all laws of the State of Alabama, and laws and ordinances of the town of Pell City, relative to the sale, giving away or delivery of liquors of any kind. He shall also before beginning business execute to the town of Pell City a bond ^{Bond.} conditioned for the honest and faithful discharge of his duties as such dispenser, said bond to be in the sum of one thousand dollars and shall have two sufficient sureties, and be approved by the mayor or other chief executive of Pell City. For neglect of business, incompetency, misfeasance or malfeasance in office, a dispenser may be ^{Removal.} impeached by the legislative body of Pell City and for cause to be adjudged of by said body may be removed from office. ^{Vacancy.} Whenever a vacancy in said office occurs from any cause whatsoever, the legislative body of Pell City shall elect a dispenser to fill the vacancy on or before their next regular meeting.

- Salary of dispenser.** Section 4. The legislative body of Pell City shall pay to the dispenser a salary which shall be fixed by said body before the dispenser is elected. Said salary shall not be less than forty dollars per month, nor more than one hundred dollars per month, and shall be payable on the first day of each month. Said legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser.
- Not dependent on sales.**
- Quantity sold.** Section 5. The dispenser shall not sell any liquor of any kind in any quantity less than one-half pint, and he shall not make any sale between the hours of 7 p. m. of one day and 6 a. m. of the next day.
- Hours for sale.**
- Drinking on premises not allowed.** Section 6. Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser, or other employee designated by him or the legislative body of Pell City from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the legislative body of Pell City any one whom he believes to be guilty of violating the provisions of this section.
- Report violation.**
- Ordinances.** Section 7. The legislative body of Pell City shall pass ordinances necessary to carry out the provisions of this act and to provide suitable penalties for the violation of any provision of the same.
- Liquors sold only in sealed packages.** Section 8. The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive or keep any broken packages in the dispensary, and if any original package be broken, the contents shall be bottled and the bottle sealed.
- Broken packages not received or kept.**
- Sales for cash.** Section 9. The dispenser shall buy and sell for

cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of Pell City monthly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business. He shall make other and additional reports, oral or in writing, whenever and as often as the said legislative body of Pell City may require. Subject to the provisions of this act such legislative body shall regulate and control the conduct and management of the said business. On the first day of January and July in each year, the legislative body of Pell City shall, after deducting all the expenses of operating the dispensary, pay fifty per cent. of the net profits of the preceding half year to the superintendent of education of said county who shall keep said amount separate and apart from all other county school funds, and the same shall by him at once be applied and paid to the township and district schools in precincts Nos. 10, 12, 15, 19, 13, 14, 11, in St. Clair county in the same proportion as the public school fund of the State is now distributed, and to be paid by him to such of the said township and district schools and in such proportion to the several schools as the trustees of the said township and school districts shall direct him, and the trustees of the said township and district schools shall direct expenditure of the same as they think best for the furtherance of the education of the children of their respective township and districts. But no part of the said fifty per cent. so paid to the superintendent of education shall go to the trustees of the Pell City school district, which district is hereby expressly excluded as a beneficiary, under this part of the said profits.

Account of
sales.

Reports of dis-
penser.

Legislative
body, regulate
and control
business.

Fifty per cent
of net profits
paid semi-an-
nually to coun-
ty Supt. for
schools.

Pell City dis-
trict ex-
cluded.

Section 10. This act shall not repeal or effect in any manner the dispensary act creating

Effect of act.

a dispensary for Pell City, approved February 28th, 1903, until the 31st day of December, 1907, unless this act shall in the meantime have been ratified by majority of the qualified voters voting at the election hereinafter named and provided for, in which event the said former act shall stand repealed and the dispensary at Pell City shall be operated and its profits distributed according to the provisions of this act.

Meaning of term "Legislative Body."

Section 11. The term "legislative body" where it appears in this act is intended to include the law-making body of the town of Pell City, whether said body is called mayor or aldermen, intendant and aldermen, council, town council, city council, mayor and councilmen, intendant and councilmen, or by some other name.

Gates, doors, etc., not allowed to connect.

Section 12. No gates, doors, windows or other openings shall connect said dispensary with any adjacent house or lot so as to permit ingress or egress into and out of such house or lot from and into the dispensary.

License procured.

Section 13. Before beginning to do business under this act, the said dispensary shall procure a license to sell spirituous, vinous or malt liquors as is now or may be hereafter required by law.

No city license collected.

Section 14. The legislative body of Pell City shall not levy any tax or require any license of the said dispensary for owning or selling spirituous, vinous or malt liquors.

Election as to.

Section 15. That an election shall be held at all the several voting places in precincts Nos. 10, 12, 15, 19, 13, 14, 11, of St. Clair county, on the 2nd Monday of April, 1907, for the purpose of determining whether or not the town of Pell City in St. Clair county shall be authorized to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous, and malt liquors, and to provide for the distribution of certain profits arising therefrom, and for the purpose of better controlling and regulate the sale of such liquors, and for other purposes.

Ballots.

Section 16. The ballots to be cast at such election shall have printed thereon two lines, the first line shall consist of the following words to-

wit: "For dispensary" and the second line thereon shall consist of the following words, to-wit: "Against dispensary." Every qualified elector participating in such election and desiring to vote for the establishment of a dispensary in Pell City as herein provided, shall indicate his choice by placing a cross mark on the first line printed on such ballot and in front of the words "For dispensary," and every qualified elector participating in such election and desiring to vote against the establishment of a dispensary at Pell City as herein provided, shall indicate his choice by placing a cross mark on the second line printed on such ballot in front of the words "Against dispensary."

Section 17. When any person or persons living within and a resident of one or more of the precincts Nos. 10, 12, 15, 19, 13, 14, 11, of St. Clair county shall deposit with the probate judge of said county, or offer to deposit, an amount of money sufficient to defray the expenses of the election herein provided for, it shall be the duty of the board of revenue, or code of county commissioners, or court of like jurisdiction, to order that an election shall be held in such precincts on the day herein named, and it shall be the duty of said person or persons depositing said money to post in five public places in each of said precincts notices in writing stating the time and place of the holding of such election, and shall also publish the same once a week for three consecutive weeks in some newspaper published in the county, if one there be. Election; how ordered.

Section 18. Said election shall be held on the day herein provided for and specified in said order and notice provided for in section 17 of this act; managers of said election and a returning officer for each precinct embraced in such order shall be appointed by the board of revenue, or court of county commissioners, or court of like jurisdiction as the case may be, in St. Clair county, and said election shall be held in the same manner and under the same regulations as gen- Election; how held.

eral elections except as is herein otherwise provided, provided that the ballots are to be prepared by the board of revenue, or court of county commissioners, or court of like jurisdiction as the case may be, as provided for in section 16 of this act; and provided further, that both those in favor of a dispensary and those opposed to same shall be represented in the board of managers, clerks and other managing officers.

Votes counted
and certified.

Section 19. That the managers after closing the polls on the day of the election canvass and count the votes cast, and shall immediately after completing said count make out and certify to the result, and shall post a copy thereof at the place of holding such election and shall seal up their certificates together with all ballots, poll lists and tally sheets and deliver to the returning officer. The returns shall be made by the returning officer or officers to the board of revenue, court of county commissioners, or court of like jurisdiction as the case may be, on day after the said election, and same shall be on the second day of such election canvassed and the result declared and certified by said board of revenue, or court of county commissioners, or court of like jurisdiction, as the case may be, and filed with the order already on file in said office, and a copy thereof shall be posted at the court-house at Ashville.

Persons entitled
to vote.

Section 20. All qualified electors in said precincts shall be entitled to vote at such election and none others.

Contest.

Section 21. Such election may be contested on the same ground and in the same manner or before the probate judge of St. Clair county, as contests of election of constable are now had before him.

Majority for
dispensary.

Section 22. If majority of the votes cast at such election are "For dispensary," a dispensary shall be conducted at Pell City in accordance with the provisions of this act. If a majority of the votes cast at such election are "Against dispensary" the act approved Feb. 28th, 1903,

Against dis-
pensary.

providing for a dispensary at Pell City shall be repealed to take effect on the 31st day of Dec., 1907, on or before which date its business shall be liquidated, its profits distributed, and it shall retire from business.

Section 23. The failure of any official to perform any of the duties imposed upon him by law, respecting such election shall not invalidate such election or the result thereof.

Failure of officers to perform duty does not invalidate election.

Approved March 2, 1907.

No. 182.)

AN ACT

(H. 156.

To provide for the payment of the outstanding indebtedness of the late municipal corporation, known as the mayor, aldermen and common council of the city of Mobile, evidenced by bonds of said corporation, bearing date January 1st, 1881; to authorize the city of Mobile to issue bonds for that purpose; to create a lien upon the wharf property, and water front rights and privileges of the city of Mobile to secure the payment of said bonds at maturity, and to regulate the application of the net revenues derived therefrom to aid the payment of interest on bonds issued under this act; to authorize the city of Mobile to levy a special tax to fully pay the interest on said bonds, and to provide for the winding up of the trust created by the act of February 24th, 1881.

Section 1. Be it enacted by the legislature of Alabama, That the city of Mobile is authorized to issue negotiable bonds, to be styled "Refunding Bonds" in a sum not to exceed two million of dollars, (\$2,000,000), but the corporate authorities of said city must issue in the aggregate only such amount as will be necessary to provide for the simultaneous retirement and payment of the bonds issued under the act of February 24th,

Refunding bonds authorized.

Amount.

How, when and where paid.	1881, outstanding and unpaid on January 1st, 1907, with accrued interest thereon. The bonds authorized by this act shall be payable in gold coin of standard weight and fineness of United States of America, on the first day of January, nineteen hundred and thirty-seven; shall be dated the first day of January nineteen hundred and seven; shall be payable at
Interest.	Mobile, Alabama, and shall bear interest at the rate of four and one-half per centum per annum from the date thereof. Each bond shall
Form of.	be in a form to be prescribed by ordinance and
Exempt from taxation.	shall be exempt from all taxation whatsoever, and have interest coupons attached, which shall be payable semi-annually in the city of New York, the same to bear the engraved or lithographed signature of the city clerk, which shall be as binding as if the same were written by him.
Trustee certificate.	Each bond shall bear a trustees certificate of genuineness, in a form to be prescribed by ordinance. When said bonds are signed by the mayor and city clerk of the city of Mobile, the same shall be delivered to the trustee for certification and delivery to the purchaser or purchasers thereof. The compensation to be paid to the trustee shall be prescribed by ordinance, but shall not exceed fifty cents per bond. After the delivery of the bonds to the purchaser, the trustee shall have no other or further duty to perform, except in the case of default in the payment of interest or principal of said bonds, in which event said trustee, upon the request of the holders of a majority of said bonds, shall institute appropriate legal proceedings, when the trustee shall be entitled to receive proper compensation and counsel fees, to be allowed by the court.
Bonds signed and delivered.	
Compensation of trustee.	
Bids advertised for.	Section 2. Immediately upon the approval of this act, the mayor of the city of Mobile shall advertise said bonds in papers published in New York City, Baltimore, Mobile and Chicago, asking for sealed bids therefor which bids must be opened by said mayor in the presence of the gen-
Opening of bids.	

eral council at a meeting held at the time designated in said advertisement, provided that the council may adjourn or postpone the opening of such bids if a quorum of its members be not present. Bids must be accompanied by a certified check for two percentum of the amount of the bid. The general council shall award the bonds to the highest bidder or bidders, if a satisfactory bid is received; otherwise order the mayor to re-advertise for bids, which bids shall be opened in the same manner, and be subject to all the provisions of this section. Upon the acceptance of a bid the purchaser shall be required to receive and pay for said bonds within thirty days thereafter, depositing the purchase price in the depository selected under the provisions of this act. If such purchaser shall fail to comply with the requirements of this section, the amount deposited by him accompanying his bid shall be forfeited to the city of Mobile as liquidated damages.

Check to accompany bid.

Bonds; how awarded.

Section 3. Upon the acceptance of a bid or bids for said bonds the mayor shall have said bonds properly signed and attested and shall deposit the same with the trustee for certification and delivery to the purchaser or purchasers thereof. The moneys derived from the sale of said bonds shall be deposited in a depository to be designated by resolution of the general council, to the credit of "Refunding Bond Principal Account," and the same, together with all other moneys required by law to be deposited in said depository to the credit of said account, shall be held and applied only to the payment of the bonds outstanding on January 1st, 1907, which were issued under the act of February 24th, 1881. Upon this deposit being made the mayor shall advertise, asking the holders of the bonds issued under the act of February 24th, 1881, to present the same for payment, notifying such holders in such advertisement that interest on said bonds will cease thirty days from the date of such advertisement. After the publication of such ad-

When bid accepted.

Moneys deposited.

Applied to payment of bonds.

Mayor to advertise for bonds to be presented for payment.

vertisement, each and every officer acting under the act of February 24th, 1881, must forthwith turn over to the city of Mobile all moneys, property and assets in their possession or under their control, and all moneys so turned over shall be deposited to the credit of the "Refunding Bond Principal Account."

Duty of de-
pository.

Section 4. It shall be the duty of the depository selected under the preceding section to provide for the payment of the bonds issued under the act of February 24th, 1881, as the same are presented, and semi-annually until January 1st, 1909, shall render a sworn statement to the corporate authorities showing the amounts originally deposited to the credit of refunding bond principal account, itemizing the same, the amount of bonds paid, and the cash balance on hand which report shall be accompanied by the bonds so paid, properly cancelled so as not to destroy their legibility. Said bonds shall be carefully preserved by the city clerk, and he must give his receipt therefor. When the report of January 1st, 1909, shall have been made, the mayor and general council of the city of Mobile may provide by ordinance for the withdrawal of the balance remaining to the credit of the account, provided such ordinance receive a two-thirds vote of the members elected to the general council, and provided further that if such withdrawal is made, the city of Mobile must thereafter always include in its annual estimate of expenditures a "suspense account" of an amount equal to the bonds outstanding and unredeemed under the provisions of this act. When such balance is withdrawn it must be immediately covered into the city treasury.

Lien created to
secure pay-
ment of bonds.

Section 5. To secure the payment of the interest and principal of said bonds at the maturity thereof, a lien is hereby created on all the wharf property and water front rights or privileges of the city of Mobile, in the possession or under the control of the authorities charged with the supervision, management or control of wharves,

and to aid the payment of the annual interest upon said bonds, the entire net revenues therefrom, after paying the operating expenses thereof, repairs and improvements thereon, shall be deposited to the credit of the "Refunding Interest Account" in the same depository and in the same manner as deposits are required to be made by the city tax collector under section nine (9) of this act; and all moneys so deposited under this section shall be held, applied and accounted for by the depository in the same manner as are moneys received by it from the city tax collector under this act. Provided, that until default is made in the payment of the interest or principal of said bonds, the authorities charged by law with the supervision, management or control of city wharf property, water front rights or privileges in the city of Mobile, shall remain in the undisputed control or possession thereof.

Section 6. The manner of making the assessment upon which the special tax hereinafter authorized, shall be as follows: The book of assessments required by law to be made each year under the direction of the corporate authorities of the city of Mobile, for the purpose of general taxation must contain a column or space in which shall be entered separately the amount of the assessment for special tax, and a column or space for the amount of the special tax, and another for the penalties thereon. Said special tax and penalties thereon must be collected upon the same bill and at the same time that the general city tax is collected. The warrant required by law to be appended to the assessment for city taxation for general purposes, must likewise be affixed to the assessment for special taxes by the mayor of the city of Mobile. The city tax collector in all advertisements or notices must include therein notification as to the said special tax.

Section 7. After the book of assessments has been made as provided in the preceding section, the same shall be filed and corrected in the man-

Net revenues
applied to.

Assessment
for special
tax; how
made.

Annual special
tax to be levied
and collected.

Rate of.

ner provided by law for the correction of the assessment for general city purposes, whereupon the mayor and general city council of the city of Mobile, in order to fully provide for the payment of the interest upon the bonds issued under the authority of this act, and until the maturity thereof, are hereby authorized and empowered, and they must each year levy a special tax upon the assessed value of all the real estate, personal property, and all subjects of taxation within the corporate limits of the city of Mobile. The rate of such special tax shall be sufficient to insure the payment in full of the interest upon said bond. Said special tax must be levied each year at the same time that the general tax for municipal purposes is levied and all the requirements, provisions, remedies, rights and penalties which may be by law prescribed in the matter of the assessment, collection or enforcing the payment of delinquent taxes levied for general city purposes, shall apply with the same force and effect to the special tax authorized by this act.

Book of assessment;
where filed.

Section 8. When the book of assessments shall have been prepared, corrected and the warrant of the mayor appended thereto, the same shall be filed in the city tax collector's office, whereupon said tax collector shall proceed to collect said special tax provided for in the preceding section. Said tax collector shall be charged with and must account for the whole amount of the taxes for the current year, and can only discharge himself from liability therefor by showing the amounts unpaid could not be collected by the exercise of the authority given him by law. The tax collector must file annually with the mayor, a report under oath, showing the amount of the collections and the amount that could not be collected, with his reason in each case for failure to make collection. Said tax collector must give bond in some solvent surety company for the faithful performance of his duties under this act, in a sum to be fixed by the

Duty of city
tax collector.

Report.

Bond.

general council but not less than ten thousand dollars.

Section 9. The city tax collector must keep all moneys collected by him on account of the special tax levied under the provisions of this act, as well as the penalties thereon or moneys received for the redemption of lands sold for taxes, entirely separate and apart from all other moneys collected by him for the city of Mobile from any other source whatsoever; and he must within banking hours each day succeeding the day of collection, deposit in the depository selected by the general council under section ten of this act, to the credit of "Refunding Interest Account," the entire collections for the preceding day up to the close of business. Said tax collector must at the same time file with the city clerk an itemized statement of such collections.

Moneys collected kept separate.

Where deposited.

Failure of any officer to comply with any of the provisions of this act, in respect to the collection or deposit of moneys received under the provisions hereof, shall constitute cause for impeachment, and when proven it shall be the duty of the general council to remove such officer from office.

Itemized statement.

Failure to comply with act cause for impeachment.

Section 10. At the meeting of the general council at which a bid or bids are accepted for said bonds, and every three years thereafter, it shall be the duty of the general council to select a depository and designate the same by resolution spread upon the minutes wherein the moneys derived under this act shall be deposited to the credit of the refunding interest account. Provided, that before such depository is selected the general council must ask for sealed bids for said deposit from each bank in the city of Mobile and must award the deposit to the bank offering the highest rate of interest on said deposit; provided that no bid shall be entertained by said general council from a bank not considered by them entirely solvent, and provided further that if no bid is received two-thirds of the members elected

Depository selected.

Bids asked from banks.

to the general council shall designate such depository.

Duty of depository.

Section 11. It is the duty of the depository selected under the preceding section to receive and receipt for all moneys required to be paid to it by any officer who may be by law required to make deposits in such depository, to the credit of said refunding interest account which receipt may be given in a book kept for that purpose. The depository must make monthly reports to the general council of the amounts deposited to the credit of said account, and by whom deposited, and all deposits so made shall constitute a trust fund for the payment of the interest coupons attached to the bonds issued under this act, and shall be used for no other purpose whatsoever, except the payment of the annual salary of the tax collector as provided in this act. The depository must semi-annually provide for the payment upon presentation of coupons attached to the bonds issued under this act, and said coupons when paid shall be cancelled, so as not to render the same eligible, and be filed with the city clerk, whose receipt shall be taken therefor. The depository must semi-annually, after the payment of said coupons, make a full report under oath, to the mayor and general council showing the conduct and the status of said refunding interest account for the preceding six months and no depository may discharge itself from liability for the full amount deposited therein to the credit of said account except by the production of the coupon paid, and a receipt from the tax collector for his salary, and a statement of the cash balance on hand. It is the duty of the city clerk to reserve all cancelled coupons in a permanent record.

Report.

When advertisement made rights, powers, etc., conferred by act of 2, 24, 81 enure to benefit of city.

Section 12. When the advertisement provided for in section 3 of this act, is made, all the rights, remedies and powers conferred upon the bondholders or trustees under the act approved February 24th, 1881, shall enure to the benefit and shall be lodged in the corporate authorities of

the city of Mobile. The tax levy made on January 1st, 1907, by the officers under the act of February 24th, 1881, is hereby in all things ratified and confirmed and all the officers acting under said act of February 24th, 1881, when the advertisement provided for in section three is made, must forthwith turn over to the city of Mobile all moneys, property, assets, books, etc., in their possession or under their control, and said city is hereby expressly authorized and empowered to proceed with the tax levied for the year 1907 and all collections therefrom shall be deposited and treated in all respects as provided in section nine and eleven of this act. The chancery court sitting at Mobile, Alabama, shall order a reference to ascertain the exact status of the trust administering in said court under the style of L. M. Wilson, et al. vs. The Bank of Mobile, et al., numbered 3740 and the chancellor will make such orders and decrees in said cause as will expedite and finally dispose of the same on the docket of said court, taxing the costs against the city of Mobile. The city attorney is required to represent the interest of the city of Mobile in the final disposition in said cause.

Tax levy ratified.
Officers to turn over money, etc.
City to proceed with tax.
Reference ordered by chancery court to ascertain status of trust.
City attorney to represent city.

Section 13. The city of Mobile is hereby subrogated and substituted to all of the rights and remedies prescribed in the act of February 24th, 1881, for the protection of the bond holders or conferred upon the trustee, and it may sue for and recover any taxes, money or property, which said trustee might have sued for under said act; provided however, that the mayor and general council may by appropriate ordinances compromise and make settlement of such delinquent taxes upon such terms and in such manner as may be deemed proper and to the best interests of the city of Mobile.

City subrogated to rights, etc., in act of 2, 24, 81.
May sue and recover taxes.
Compromise.

Section 14. All costs and expenses incident to, or incurred by reason of any of the provisions of this act, for service required to be performed or things required to be done under its provisions, shall be paid out of the general revenue.

Costs and expenses; how paid.

Salary of tax collector.

nues of the city of Mobile, and because of no matter herein contained shall any charge be made against refunding bond principal account, or the refunding interest account, except, that it is hereby expressly provided that the tax collector shall receive an annual salary of one thousand dollars to be paid semi-annually, in equal installments, by the depository having in charge the refunding interest account.

Repeal.

Section 15. All laws and parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Approved March 4, 1907.

No. 184.)

AN ACT

(H. 716.

To authorize the town of Elba in Coffee county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to regulate the sale thereof.

Dispensary authorized.

Section 1. Be it enacted by the legislature of Alabama, That the town of Elba in Coffee county, Alabama, shall have authority to conduct and carry on in its corporate name in its corporate capacity, and in the manner herein provided, the business of buying and selling spirituous, vinous and malt liquors. The place at which said business is carried on shall be called a dispensary. Said municipality shall invest in said business a sum of money not less than three hundred dollars and not more than twenty-five hundred dollars. The liquors bought and sold as herein provided shall be of the purest and best quality.

Amount invested.

Liquors to be best and purest.

Dispenser created.

Election of, etc.

Section 2. The office of dispenser, for said dispensary, is hereby created who shall be elected within three months after the approval of this act by the board of commissioners herein after created. Said dispenser shall be a resident householder and free holder of said municipal-

ity and possess the qualifications of an elector under the general laws. The first dispenser to be elected to said office shall hold said office for a period of one year from the time of his election and the terms of his successors shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Section 3. That the affairs and business of said dispensary shall be managed, controlled and conducted by a board of three commissioners, who shall each be a resident citizen and householder and free-holder of said municipality, and who shall possess the character and qualifications of electors under the general laws. That W. J. Bowdoein, W. W. Ham, Jr., and Y. W. Rainer be and they are hereby constituted said board of commissioners, and that the term of said W. J. Bowdoein shall expire on the 1st day of January, 1908; the term of said W. W. Ham, Jr., shall expire on the first day of January, 1909, and the term of Y. W. Rainer shall expire on the 1st day of January, 1910, and the successors of said commissioners whose terms have so expired shall be elected by the board of mayor and councilmen of said municipality at their last regular meetings of each year, and each of said commissioners to be so elected shall hold office for a term of three years from the commencement of his term. All vacancies occurring in said board of commissioners shall be filled by an election of the board of mayor and councilmen of said town at their next regular meeting after said vacancy shall occur, and such commissioner so elected shall perform the duties of commissioner for the unexpired portion of the term so filled. Said board of commissioners shall elect from their number at their first meeting in each year, a president, a secretary and a treasurer, for said board of commissioners, and shall require good and sufficient bonds from such secretary and treasurer, and cause the said bond to be approved by the mayor and councilmen of the town of Elba, and each of said commissioners before en-

Board of
commission-
ers to con-
trol and man-
age.

Members of.

Terms of of-
fice.

Successors;
how elected.

Term of of-
fice.

Vacancies.

Officers of
board.

Bonds.

Oath.	tering upon the duties of his office shall take and subscribe an oath that he will faithfully discharge all of the duties imposed upon him by this act.
Qualifications of dispenser.	Section 4. That the dispenser elected under the second section of this act, shall besides having the qualifications prescribed therein be a man of moral character and sober habits, and he shall have charge and control of said dispensary under the supervision of said commissioners.
Dispenser may be removed.	Said board may remove said dispenser and it shall be their duty to do so for the violation of any laws governing or applying to said dispensary, or any ordinance of said town of Elba regulating the same, not inconsistent with this act, and upon such removal they shall fill the unexpired portion of his term by the election of another person as dispenser. Said dispenser shall
Oath.	be required to take and subscribe an oath that he will faithfully and honestly discharge all duties required of him by this act and he shall also
Bond of.	be required to give bond, with good and sufficient snreties, to be approved by said commissioners, in such sum as said board may determine, to be not less than one thousand dollars, conditioned to faithfully account for all goods and moneys that may come into his hands as such dispenser, and for the faithful performance of all duties required of him by this act, and by such rules and regulations as the said commissioners may adopt. Said dispenser shall receive such salary as said commissioners may fix not to exced eight hundred dollars, and his compensation shall not be dependent upon the amount of sales.
Salary.	Section 5. Said board of commissioners shall at all times keep a stock of spirituous, vinous or malt liquors, wines, beer, cider and other intoxicating liquors, in such quantities as they may deem proper. The same shall be sold only for cash in quantities not to exceed four gallons and not less than one-half pint, and the dispenser shall turn over all moneys received by him on
Liquors to be kept.	
Cash sales;	
Quantity sold.	

account of such sales to the secretary and treasurer of said commissioners at the end of each day, and take his receipt for the same. Sales turned over to secretary.

Section 6. That all accounts due by said dispensary for the maintenance and operation of the same shall be paid by the treasurer upon such demand being presented to the secretary and treasurer, and approved by a majority of said commissioners. The purchase of all stock for said dispensary shall be made by said commissioners, a majority of whom shall be required to concur in such purchase. That all purchases shall be made for cash. Accounts; how paid. Purchases; how made.

Section 7. That said board of commissioners shall make from time to time rules and regulations for the operation of said dispensary not in conflict with this act and the laws of the State of Alabama, and said commissioners and dispenser shall at all times in the management and conduct of said dispensary conform to the laws of the State of Alabama regulating the sale of spirituous, vinous and malt liquors, and the said dispenser shall conform to all of the regulations that said board of commissioners may enact for the control, management and conduct of said dispensary, which are not in conflict with the laws of this State. Rules and regulations.

Section 8. That no spirituous, vinous or malt liquors shall be drunk in the building or on the premises where said dispensary is located. Drinking not allowed on premises.

Section 9. That said dispensary shall not be opened on any day before six o'clock and shall be closed on each day by six o'clock in the evening, and it shall not be opened on Sundays and election days, and on such other days as the commissioners, or a majority of them shall direct the same to stand closed. Hours for opening and closing.

Section 10. That the dispenser shall not sell to any person or persons any spirituous, vinous or malt liquors, wines, ciders, beer or other intoxicating liquors, except in sealed packages, and the said dispensary shall not keep any broken Liquors sold only in sealed packages.

packages in the said dispensary, whenever a package is broken it shall be at once bottled and sealed and sold by said dispenser in such sealed condition.

Report of dispenser.

Section 11. That said dispenser shall make a monthly report to said board of commissioners showing the exact financial condition of said dispensary, and the said board of commissioners shall at any time when they see proper make an investigation of the correctness of said report and check up the balance of matters pertaining to said dispensery.

Loitering not allowed.

Section 12. That the dispenser shall not allow, and it is hereby made unlawful for any person or persons, to loiter in or about said dispensary, or on the premises where the same is situated, and for failure to enforce this section said dispenser shall be removed from office.

Power of mayor and aldermen.

Section 13. That the mayor and town council of the town of Elba shall have power and authority to pass all ordinances to carry out the provisions of this act, and to provide suitable penalties for the violation of any of the provisions of this act.

Net profits; how applied.

Section 14. That the board of commissioners of said dispensary shall appropriate fifty per cent. of the net profit of said dispensary to the public schools of Coffee county, and the same shall be applied to the public schools in the same proportion as the public school funds from other sources are applied. Said fifty per cent. shall be paid to the persons entitled to receive the same as provided by law. That the remainder of the net proceeds of said dispensary shall be paid into the treasury of said town. That said sums shall be appropriated and paid as aforesaid quarterly or four times a year.

Report of commissioners.

Section 15. That said board of commissioners shall at the end of each quarter and at the same time when they make said appropriations and pay said money as directed by the preceding section, make and file with the mayor and council of said municipality a full and complete re-

port of all purchases, receipts, expenditures and disbursements for the preceding three months, so that a fair account of the business may be shown thereby. Said report shall be published in a newspaper for at least one week upon the filing of the same.

Section 16. That the mayor and councilmen of the town of Elba are authorized and empowered to pass ordinances for the enforcement of the provisions of the last preceding section, with penalties for its violation. Ordinances of mayor and aldermen.

Section 17. That the commissioners provided for in this act shall each receive a salary of \$25.00 per annum and the secretary and treasurer shall be paid \$25.00 per annum additional. Said salaries to be paid out of the net proceeds of said dispensary. Salary of commissioners.

Section 18. That on and after the passage of this act the city council of the town of Elba, and other officers of said town are hereby prohibited from issuing, granting, or renewing any license for the sale of spirituous, vinous, or malt liquors within the incorporate limits of said town. Issue of license for sale prohibited.

Section 19. That for any breach of either of the bonds to be executed under the provisions of this act, suit may be brought thereon in the name of the town of Elba for the use of said town and the persons entitled to receive that portion of the net proceeds to be used for school purposes, and the recovery therein shall be paid according to the interest of said town and persons therein. Suits; how brought.

Section 20. That the commissioners or either of them may be impeached by the mayor and council, upon at least five days notice, with specifications in writing of the charges preferred, for any malfeasance, wilful misconduct or neglect of duty, or for the violation of any law or ordinance regulating or pertaining to said dispensary, but the right of appeal shall be had in favor of either party to the circuit court to be taken as provided for appeals from the justice courts in civil cases. Impeachment of commissioners.

Sale other-
wise prohibited.

Section 21. That no spirituous, vinous or malt liquors, wines, beers, or other intoxicating drinks of any kind shall be sold within the incorporate limits of said town except as herein provided.

Repeal.

Section 22. That all laws and parts of laws in conflict with this act or any part thereof, be and the same are hereby repealed.

Approved March 2, 1907.

No. 185.)

AN ACT

(H. 746.

To authorize all towns and cities that are now or may hereafter be incorporated in the territory now known and described as precinct number three in Elmore county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said precinct. Be it enacted by the legislature of Alabama, as follows, to-wit:

Dispensaries
authorized.

Section 1. Each town or city that is now or may hereafter be incorporated in precinct three of Elmore county shall have authority to conduct and carry on in its corporate name, in its corporate capacity, and through its legislative body, the business of buying and selling spirituous, vinous and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary. In each of said towns and cities which has a population of ten thousand or less, there shall be one dispensary and only one. In towns or cities having a population greater than ten thousand and not exceeding twenty thousand, there may be two dispensaries. In general, there may be in each city a dispensary for every ten thousand of its

According to
population.

population. Cities whose population is over twenty thousand, and between multiples of ten thousand, may have a dispensary for every ten thousand of its population and an additional dispensary for the excess of its population over the lower one of the said multiples. The population of towns and cities shall be determined by the last preceding census. These dispensaries shall be carried on only within the corporate limits of such towns and cities. Each of said municipalities shall invest in said business a sum of money not less than three hundred dollars nor more than twenty-five hundred dollars for each dispensary it may carry on. The liquors bought and sold, as herein provided shall be of the purest and best quality.

Population;
how determin-
ed.

Amount in-
vested.

Section 2. The office of dispenser is hereby created, and there shall be a dispenser for each dispensary that may be established. The first dispenser shall be elected within thirty days after the incorporation of any town or city within said precinct 3, Elmore county, and their terms of office shall begin on the first day of such election and shall continue until the first day of January thereafter. The term of their successors in office shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Office of dis-
penser cre-
ated.

Election; term
of office, etc.

Section 3. For the purpose of aiding as hereinafter prescribed in the selection of dispensers, meeting of the court of county commissioners of said county shall be called whenever necessary, at any regular or called meeting of said court that may be held after the incorporation of any town or city in said precinct three, Elmore county, and at any regular or called meeting of said court that may be held between the last day of September and the 15th day of December, every two years thereafter said court of county commissioners shall furnish to the mayor or other chief executive of their towns or cities, the names of three times as many men as the number of dispensaries to which their several towns

Selection of
dispensers.

and cities are entitled, specifying the men who are furnished or apportioned to each town or city in their county. These men shall be residents of precinct number three, Elmore county, shall be twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding and competent to carry on a dispensary in said towns or cities. Before the first day of the first term of office, and before the first day of each succeeding term of office herein provided for, the legislative body of each of said towns and cities shall, from the names so furnished, elect a dispenser for their city or town. Each dispenser, under the direction and control of the town or city in which his dispensary is situated, shall buy and sell liquors and carry on the dispensary for the term of two years, and until his successor is elected and qualified; provided the first dispenser shall hold office and carry on said business from the date of his election until January 1st, thereafter, and until his successor is elected and qualified. Each town or city having a dispensary shall provide its dispenser with whatever money within the aforesaid limits that it wishes him to use in conducting the business. Before entering upon the duties of his office, each dispenser shall make affirmation before an officer authorized to administer oaths, that he will obey all laws of the State of Alabama, and of the town or city of which he is dispenser relative to the sale, giving away or delivery of liquors of any kind. He shall also before beginning business, execute to his own town or city a bond conditioned for the honest and faithful discharge of his duties as such dispenser. Such bond shall have two sufficient sureties and be approved by the mayor or other executive of said town or city. For neglect of business, incompetency, misfeasance or malfeasance in office, a dispenser may be impeached by the legislative or governing body of said town or city of which he is dispenser; and for cause, to be judged of by said body said dis-

Term of office of first dispenser.

Money provided.

Oath.

Bond.

Impeachment of.

penser may be removed from office. Whenever a vacancy in said office occurs in any town or city from any cause whatever the mayor or other chief executive of such town or city shall certify that fact to the judge of probate of said county. Said judge shall immediately call a meeting of the court of county commissioners of his county, and said court shall furnish to the said mayor or chief executive for selection, as aforesaid, to fill such vacancy, the names of three men having the aforesaid qualifications for a dispenser; and from these names, the legislative body of said town or city shall elect a dispenser to fill the vacancy.

Vacancy;
how filled.

Section 4. The legislative or governing body of the towns and cities in which dispensaries may be carried on shall pay to their several dispensers a salary which shall be fixed by said body before the dispensers are elected, said salary shall not be less than one hundred dollars per annum, nor more than twelve hundred dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser or dispensers.

Salaries.

Section 5. The dispenser shall not sell any liquor of any kind in any quantity less than one-half pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hours of 6 p. m. of one day and 6 a. m. of the next day.

Regulation as
to sale of li-
quor.

Section 6. Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser or some employee designated by him, from sampling liquors which he may contemplate purchasing. Said dispenser

Unlawful to
drink on prem-
ises.

shall report to the grand jury any one whom he believes to be guilty of violating the provisions of this section.

Penalty for violation.

Section 7. Any person who drinks or consumes any liquor on said premises, except as permitted in section six (6) of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifteen nor more than one hundred dollars.

Sold only in sealed packages.

Section 8. The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive or keep any broken packages in the dispensary. If any original package should be broken the contents shall be bottled and the bottle sealed.

Bought and sold for cash only.

Section 9. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of the town or city in which he is conducting a dispensary, and to the probate judge, monthly reports, itemized, giving full and accurate information as to the conditions, expenses, profits, losses and status of the business. He shall make other and additional reports, oral or in writing, whenever and as often as the legislative body of his town or city or any member of said body may require. Subject to the provisions of this act, such legislative body may regulate and control the conduct and management of said business. On the 30th day of September of

Account of sales.

Reports.

Net proceeds; how distributed.

each year, beginning with the 30th day of September of the year in which such dispensary shall be established said cities and towns doing business under this act shall pay to the county superintendent of education, fifty per cent. of the net profits of the several dispensaries after deducting all the expenses of operating the dispensaries. The county superintendent of education of said county shall apply the funds received by him to the township and district schools in

said county in the same proportion as the public school fund of the State is distributed.

Section 10. No spirituous, vinous or malt liquors or intoxicating drinks shall be sold in said precinct except as herein provided. But nothing in this act shall be so construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale in sealed packages to dispensers or to liquor dealers who may be otherwise authorized to sell such liquors outside of said precinct. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars, or be sentenced to hard labor for the county for a period of not more than six months.

Unlawful to sell otherwise.

Exception.

Penalty.

Section 11. The term legislative body where it appears in this act is intended to include the law-making bodies of the towns and cities mentioned, whether the said body is called mayor and aldermen, board of mayor and aldermen, council, town council, city council, intendent and town council, or by some other name.

Meaning of term, "Legislative Body."

Section 12. No gates, doors, windows or other opening shall connect any dispensary with any adjacent house or lot so as to permit ingress or egress into and out of such house or lot from and into the dispensary.

Gates, etc., connecting, not allowed.

Section 13. All laws and parts of laws that conflict with the provisions of this act are hereby repealed.

Repeal.

Section 14. This act shall go into effect on its approval by the governor.

Effect.

Approved March 2, 1907.

No. 190.)

AN ACT

(H. 455.)

To create, establish and maintain an inferior court of record in and for county of Covington; to define and provide for the powers,

jurisdiction and procedure thereof; and to provide for officers thereof and their compensation.

City court created.

Section 1. Be it enacted by the legislature of Alabama, That there be and hereby is created in and for the county of Covington an inferior court of record, to be known and styled "The City Court of Andalusia," the terms of which shall be held in the court house in Andalusia in said county, beginning on the fourth Mondays of each month after this act goes into effect which terms shall continue until the business therein pending is disposed of; provided, that the regular terms of said court to be held in the months of February and August of each year shall be jury terms, as well as for the trial of non-jury causes, and each of the terms of said court shall also be non-jury terms for the trial of causes wherein jury trials have not been demanded as in this act provided; and provided further, that said court shall be open at all times except Sundays for the taking of pleas of guilty, judgments by default, making any ex parte order or judgment and for the trying of causes where parties demand a speedy trial, and for the trial of those who are unable to make bond for their appearance at any regular term of said court but the court may continue any or all like causes from day to day or term to term, as the justice of the case may demand in the discretion of the trial judge.

Terms.

Concurrent jurisdiction.

Section 2. That said city court shall have and exercise concurrently with courts of justices of the peace, and the circuit court of said county, the jurisdiction which is now or may hereafter be conferred upon and exercised by both or either of the said courts of said county, in all misdemeanor and civil causes including therein actions ex delicto and quasi criminal causes, all appeals from any justice or other court of like jurisdiction in said county in both civil and criminal causes, and all applications

and motions to sell lands levied on under attachment or execution issued from any justice or other court of like jurisdiction in said county, and all and singular the causes and actions cognizable in the said courts or either, except as is otherwise provided in this act; provided, that said city court shall not have or exercise jurisdiction in felony prosecutions, civil causes of libel, slander, assault and battery, ejectment or the statutory actions in the nature of ejectment, or any other civil cause where the amount as claimed in the pleadings exceed the sum of one thousand (\$1,000) dollars; and provided, that all appeals from Justices or other courts of like jurisdiction in said county, shall be returnable into and tried *de novo* in said city court to the next term of the said city court convening not less than ten days after the taking of any such appeal, or the suing out of any statutory writ of *certiorari* to said court; and said city court shall have jurisdiction to try all actions of, or appeals in action of forcible entry and detainer and unlawful detainer, regardless of the amount in controversy or the value of the lands sued for. That in all cases in said county where any execution or attachment is issued by any justice of the peace or other like officer, and the same is levied on lands as provided in such case by law, it shall be the duty of such officer to return the same to said city court in the same way and in the same time as is now required in such cases with reference to the circuit court of said county, and thereupon the same proceedings shall be had and done as in like case is now had and done in the circuit court of said county.

Section 3. That said city court shall have and exercise original and exclusive jurisdiction of all misdemeanors committed in said county as well as all misdemeanor cases which are pending in the circuit court of said county at the time this act goes into effect, or that may thereafter be pending in said circuit court of said county; provided, that the jurisdiction of said city court

Jurisdiction
of misde-
meanors, etc.

Transfer of
indictments,
etc.

shall be concurrently exercised with the justice of the peace courts of said county in misdemeanor cases of which such courts have final jurisdiction under the laws of this State and the constitution; and provided further that in all cases of misdemeanors before any justice or other like officer of said county of which such officer or the court over which he presides has final jurisdiction, and a jury is demanded by the accused, or the court or such officer is incompetent or unable for any legal cause to try such cause, it shall be the duty of such officer or court to require the accused to appear at the next term of said city court convening not less than ten days thereafter to answer such charge as if the same had originated in said city court, and unless the accused makes bail for his appearance at such term of the court and conditioned as prescribed in this act, such person shall be committed to the county jail of said county as in other cases where bail is not made by the accused in cases pending in said court, and such cause shall be tried in said city court; and provided further that at the next regular term of the circuit court for said county; and on the first day thereof, it shall be the duty of the presiding judge thereof to make and enter upon the minutes of said court an order directing the clerk of such court to deliver to the judge of the city court all indictments in misdemeanor cases then pending and undetermined in said court, and said order shall provide for the delivery of all other indictments in misdemeanor cases which may hereafter be found by any grand jury of said court, or that may be pending therein, together with all the papers, data, and a copy of the records of such indictments and the minute entries therein, and upon such delivery the jurisdiction of the circuit court shall cease and the said city court be empowered to try all such causes as if the same had originated in said city court, but upon the indictments so filed in said court, and said city court shall have power to make any and

all orders in reference to any such case, or the bail therein, and all bail taken in such cases shall be for the appearance of the accused in the city court as in this act provided; provided further, that all bail taken in any cause pending in or returnable to said court shall be for the appearance of the accused at the next term of the court convening not less than ten days thereafter and from term to term and day to day of any such term until discharged by law; and provided further, that all warrants issued by any officer of said county in misdemeanor cases of which such officer has not final jurisdiction, the same shall be made returnable into the city court and determined as other causes in said court originating therein, and all process issued on any indictment which is or may be returnable into said court for trial, shall be made returnable into said city court.

Bail.

Warrants returnable to.

Section 4. That in all suits and proceedings in said city court, the pleadings, practice and procedure which now or may hereafter prevail in the circuit court of said county, shall apply and govern as in this act otherwise provided; that in criminal causes and proceedings of like character the pleadings, practice and rules of procedure as now prevail in the county court of this State under the general law shall prevail and govern, except as in this act otherwise provided; and provided, that in all criminal and civil causes of which said city court has jurisdiction in any manner, the issues of law and of fact therein shall be determined and adjudicated by the court without the intervention of a jury, unless a jury is demanded in the manner and within the time as is prescribed herein; and in all causes where a jury is demanded as is in this act provided, the jury shall be composed of twelve jurors, who shall possess the same qualifications as petit jurors in the circuit courts of this State, but a less number may be waived or agreed upon by the parties.

Rules of pleadings, practice, etc., applicable.

Jury in civil
case.

Section 5. That in all civil causes and like proceedings in said city court, a jury may be demanded by the plaintiff at the commencement of the suit or proceedings which shall be endorsed on the summons and complaint or other leading process of the cause at the time of the filing of such suit or proceeding, and not after; and a jury may be demanded by the defendant in like manner at the time of filing his plea, demurrer or other first paper filed in said cause, and not after; and in all appeals from justice or other like courts to said city court, a demand for trial by jury may be made by the party appealing within ten days after the taking of the appeal, or by the defendant in the appeal (appellee) within 15 days after notice of such appeal is served on him or her as the case may be, and not thereafter, demands for trial by jury in appeal cases as above provided shall be made in writing and filed in the cause in the city court at the time the demand is made; and in all the causes above enumerated, if a demand for trial by jury has not been made as provided in this act the right of trial by jury shall be deemed as waived. And in all cases where any person stands charged in said court with a misdemeanor or other criminal offense of which said court has final jurisdiction, such person may demand a trial by jury at any time before his case is called regularly in the docket for trial in said court; and if in such cases a jury is demanded, it shall be noted on the minutes of the court and the trial shall be by jury, but if the demand is not made as is provided and within the time specified, trial by jury shall be deemed as waived, and the fact must be noted on the minutes of the court; and in all cases where trial by jury is demanded in this said court such causes shall stand for trial on the jury docket and at the jury term of said court, unless otherwise agreed to by the parties.

Jury in criminal
case.

Summons, etc.

Section 6. That all summons and other process issuing from said court and that which is or may be returnable thereto, preceding the trial

of causes, shall be made returnable *instanta*, and when the summons in any civil cause or proceeding in said court has been executed ten days or more next before the first day of any regular Trials. term of said court thereafter, such cause or proceeding shall stand for trial at such ensuing term unless otherwise provided in this act, and if a trial by jury has been demanded as provided in this act, the cause shall stand for trial when reached on the docket at the jury term of said court after a jury is demanded or during such term if the demand is made during such term, and non-jury cases may be called for trial at any time after the expiration of 15 days from service if a jury has not been demanded. The clerk of said court shall docket all causes on such days as he deems expedient, and shall issue subpoenas for witnesses in causes pending therein as in the circuit court but must first ascertain whether the cause is to be tried by jury and the day on which it is set for trial, before issuing any subpoena therein; and provided that in all civil causes and proceedings in said court pending, the defendant shall be required to plead or otherwise interpose his defense in such cause within 15 days from personal service of process, or the acceptance on such process, and if the defendant is a non-resident of the State or is absent from the State or absconds or secretes himself so that process cannot be personally served, and notice by publication is required, the defendant in such case shall plead or otherwise interpose his defense within twenty days from the perfection of publication in such cause, and in all cases named where the pleas or other defense is not filed as in this act provided and required there may be entered up judgment by default or *nil dicit* in the discretion of the court as the case may be, on motion of the plaintiff or plaintiff's attorney of record in such cause, but the court may set such judgment aside at any time within five days after such judgment is rendered by default or *nil dicit* for good cause shown under such terms

and conditions as the court deems just to all parties, and all applications to set such judgments aside shall state the grounds for the setting the same aside and disclose the defense to be interposed by the defendant; and it shall be the duty of the court at each regular term of said court to call up the causes pending in said court and settle all the pleadings as early and speedily as possible, whether a jury has been demanded in such case or not, and any order or judgment rendered on the pleading therein or in reference thereto may be on appeal to the supreme court from any final judgment in such cause assigned as error, by the party complaining.

Institution of
prosecution for
misdemean-
or.

Section 7. That all prosecutions of misdemeanor cases in said court, other than indictments transferred from the circuit court of said county, may be instituted in the same way and tried in the same manner as in the county courts of Alabama, under the present general law of the State, or all or any such causes may be tried on affidavit or an information to conform to the practice in the county courts of the State; the clerk of said court or any justice of the peace for said county, may take affidavit and issue warrants thereon returnable into said city court in causes of which said court has jurisdiction, and all such affidavits, and warrants shall be filed in said court and the same shall be executed only by the sheriff of Covington county, or any sheriff of the State, or their authorized deputies and except as is in this Act otherwise provided the general law in the code of 1896, of Alabama, shall apply and govern in criminal matters in said city court with reference to bail, *sciria facias*, and proceedings and trials with reference to bail.

Execution for
costs; fines,
etc.

Section 8. That in criminal cases in said court executions for the collection of fines, costs, fees, penalties, or either, shall issue within fifteen days after the trial of the cause, and shall be made returnable ninety days after issuance, and alias and pluries writs may issue at the request

of the solicitor of said court at any time. In civil causes in said court executions shall issue within ten days after the termination of the cause, and all such writs shall be returnable ninety days after issuance; and except as in this act otherwise provided, articles 1, 2, 3, 4, 5, 6, 7, of chapter forty-eight of the code of Alabama, 1896, on the subject of executions shall apply to said court and govern in all matters having reference to the different subjects treated of in said article, provided that nothing herein contained shall prevent any person from making affidavit and having execution issued immediately in any civil cause as authorized and provided in section 1884 of the code of 1896 of Alabama, and provided further that nothing herein shall prevent the superceding of executions after the issuance of the same, or the superceding of judgments upon making proper bond, in all such matters as is now required by law and provided for in the circuit courts of this State. That all process issuing out of and from said city court or by any person returnable into said court which is required to be executed by any officer, shall be directed to "Any Sheriff of the State of Alabama," and may be executed anywhere in the State as process from the circuit court of said county may be executed; except as is otherwise provided, all process issuing out of or returnable into said court, shall be issued and signed by the clerk of said city court, directing that the same be executed and returned into said court instantly.

Section 9. That from any final judgment of Appeals from said city court in any civil or criminal cause, or said court. from any judgment of said court granting writs of mandamus, habeas corpus, prohibition, and all or any of the other remedial writs, an appeal may be taken by either party directly to the supreme court of the State of Alabama, provided that the State may prosecute appeals only in causes provided for under the general law of

this State with reference to appeals in the circuit courts. The law and rules which are now or that may hereafter be in force and govern with reference to appeals from the circuit court of said county to the supreme court of the State of Alabama, and the law and rules which are now or that may hereafter be in force and govern in said circuit court with reference to bills of exceptions, the time of filing, presenting, signing and other laws and rules with reference to appeals as well as the time and manner of taking and perfecting the same, in said circuit court shall apply and govern in like matters in said city court, except as is otherwise provided in this act. That on any appeal to the supreme court of the State of Alabama, by any party as herein provided for, from any judgment or decree of said city court in causes where the same is tried by said city court without the intervention of a jury, in addition to the questions and assignments of error that may be presented to the supreme court for review under existing laws and rules applying and governing in appeals from the circuit courts of this State on appeal to said supreme court, either party may also present and assign as error for review and consideration by the supreme court the conclusion and judgment of the said city court or the judge thereof upon the evidence, and the supreme court in reviewing and passing upon the same shall indulge in no presumption in favor of the correctness of the lower court on the evidence, conclusion or judgment, when the same is so presented for review, and if there is found error prejudicial to the party appealing said court shall reverse the judgment of the city court and remand the cause thereto.

Juries

Section 10. That at the first regular term of the commissioners court of Covington county after this act goes into effect, it shall be the duty of the commissioners thereof as the jury commission of said county to draw a jury for the jury term of said court which is provided for in

August 1907, of said city court, which jury shall consist of 24 jurors to be drawn as jurors for the circuit court of said county are drawn, and to possess all and singular the qualifications and be charged with the same duties, pains and penalties, as jurors for the circuit courts of this State; and thereafter, jurors for said city court shall be drawn by said commission at the same time, in the same manner and to possess all and the singular qualifications as jurors for said circuit court and charged with the same duties, pains and penalties, and that all regular juries so drawn for said city court shall consist of 24 jurors, who shall attend upon the jury terms of said court for which they are drawn until discharged by the court; and provided further, that said city court shall have and exercise all the powers that is now or may hereafter be exercised by the circuit courts of this State with reference to drawing, empaneling and discharging jurors, and all the powers that is provided for circuit courts in the code of 1896 of Alabama, except that said city court shall not draw, empanel or have any jurisdiction over or with reference to any grand jury except as is set out in this act regarding the transfer of indictments in misdemeanor cases; and all laws with reference to the trial, challenges and making up of jury trials shall apply in said city court as is provided for the circuit courts of this State.

Section 11. That all the laws and rules applying and governing in the circuit court of Covington county as to witnesses in causes pending therein, and the attendance thereof, and the manner of paying, the amount to be paid shall also apply and govern in said city court in like cases; and jurors attending on said court shall receive the same compensation to be taxed and paid in the same manner as jurors in the circuit courts of said county as provided in section 4580 of the code of 1896 of Alabama; and the costs in misdemeanor cases arising before the grand jury of

Witnesses;
fees, etc.

Jurors; com-
pensation of.

said county may be taxed up in said city court as if the cause has been tried in the circuit court, and the same shall be paid in the same manner as in causes in said circuit court.

Circuit clerk
ex-officio clerk.

Duties.

Fees.

Section 12. The clerk of the circuit court of Covington county shall be ex-officio clerk of said city court, and it shall be his duty to issue all the process of said court except as otherwise provided, to take affidavits in prosecution of which said city court has jurisdiction and issue warrants thereon, and to do and perform any and all other duties that is now or may hereafter be performed in like matters in the circuit court of which he is clerk, or that may be necessary in said city court, and in the performance thereof he shall conform to the laws and rules governing his duties as clerk of the circuit court in like matters; such clerk shall receive the same fees and compensation as is now or that may hereafter be provided and allowed the clerks of the circuit courts of this State for like services and duties in such courts, to be taxed and collected in the same way and manner as in the circuit courts of the State, and said clerk shall be charged with the same pains, duties and penalties and with the same performance of any and all his duties and the business of said court and pertaining to his office as in similar matters and under like circumstances in the circuit courts of this State, except as in this act otherwise provided.

Duty of sheriff.

Fees.

Section 13. The sheriff of said county shall attend on said court at the regular terms thereof, or at any special term of the same, and perform all and singular the duties with reference to said city court by virtue of his office as sheriff as he is now or may hereafter be required to do in the circuit court of said county, and for all such services and duties performed in said city court the said sheriff shall receive the same fees and compensation as in like matters and services is allowed him in the circuit courts of the State, to be taxed and collected in the same way and manner as in the circuit court of said county.

Section 14. All costs and fees incurred at the instance of the State in any criminal prosecution in said city court or before the grand jury or the circuit court of said county where the cause is transferred into and determined in said city court, wherein the defendant is acquitted or discharged and due to any officer of said court or witness in such cause, shall be charged to the fine and forfeiture fund of said county as in like cases in such causes pending in the circuit court of said county, and the same shall be paid in the same way and under the same rules and regulations as like costs and fees are now paid out of the county treasury of said county, from the fine and forfeiture fund therein.

Costs, etc., when charged to and paid out of fine and forfeiture fund.

Section 15. That in addition to all other costs provided for in this act, there shall be taxed a fee of five dollars against each person convicted in said county court on any criminal prosecution, and there shall be taxed against each defaulting witness—in any cause in said court who does not succeed in having the forfeiture against him or her set aside in toto, a fee of three dollars, and in each case of defaulting bail in said court there shall be taxed a fee of three dollars, unless the same is not made final for any amount; all of which fees in each of the instances enumerated shall be taxed and collected as fines in criminal causes in said court and when collected shall be paid into the county treasury of said county by the clerk of said court and credited to the fine and forfeiture fund thereof, and in no case where the same is taxed as provided herein shall any officer or person or court the authority to remit the same or any portion thereof; and there shall be taxed against each person convicted in said city court on any misdemeanor or *quasi*-criminal prosecution a solicitor's fee in like causes and the same amount as is provided for and taxed in the circuit court of said county under section 4561 of the Code of Alabama, 1896, which shall be taxed and collected as such fees

Additional cost taxed in criminal cases.

Forfeitures; cost taxed.

Defaulting bail; cost, taxes.

Disposition of.

Solicitor's fee taxed and collected.

are now taxed and collected in the circuit court of said county, and the clerk of said court shall keep an account thereof, and as the same is collected and paid over to him it shall be his duty to pay the same over to the solicitor of said city court, provided that such solicitor shall not receive more than one thousand dollars in any one year out of such fees, and the remainder of such fees for each year after first paying to the solicitor of said court the amount of one thousand dollars thereof, shall be paid into the county treasury of said county and credited to the fine and forfeiture fund thereof.

Disposition of.

Motions for new trials.

Section 16. That all motions for new trials in any civil or criminal cause in said city court must be made within ten days after the termination of such cause, except as is otherwise provided herein, and if the same is not made within such time and acted on or continued by the court, the same shall be deemed as waived; and provided that nothing herein shall be deemed to or construed to bar an application for a new trial as contemplated and provided for in article 9 of chapter 91 of the civil code of Alabama, 1896.

Jurisdiction of judge in habeas corpus, etc., etc.

Section 17. The judge of said court shall have and exercise concurrently with the judge of probate court in said county jurisdiction for the granting and hearing habeas corpus, according to the same rules and proceedings, by which such judge is governed; the judge of said city court shall have the power to grant writs of injunction returnable into the chancery court of said county, to grant writs of *certiorari*, prohibition, *ne exeat*, and all other remedial writs, returnable into any court of said county which has jurisdiction in such causes, and which power shall be exercised by the judge of said city court as judges of the chancery, circuit or city courts exercise the same in this State; and provided, further, that the judge of said city court shall be ex-officio a justice of the peace in and for said county with all the power to sit as a committing magistrate in all felony causes committed in said

Ex-officio justice of peace.

county county, and to hear any and all preliminary examinations and felony causes in said county in the same way and manner as justices of the peace of said county.

Section 18. The judge of said city court shall ^{Special term;} have the authority to call a special term of such ^{authority of} court, when in his judgment the welfare of the ^{judge to call.} public demands it or the business for the jury terms cannot be disposed of within a time that in the judgment of the judge of the court will be to the convenience of all parties in interest, but nothing in this act shall be construed to mean that the regular jury terms shall not be held at the times in this act provided. The regular terms of the court may be adjourned from day to day and time to time as in the judgment of the court is necessary and when the judge deems it expedient he may designate the manner and time of setting causes in the court, both civil and criminal, and the same may be set so that one class of causes will not conflict with the times set for the other class.

Section 19. The salary of the judge of said ^{Salary of} court shall be twelve hundred dollars per annum, ^{judge; how} payable monthly in the sum of one hundred ^{paid.} dollars out of the county treasury of said county, on the warrant of the clerk of said court drawn on the fine and forfeiture fund of such treasury at the expiration of each month, and such warrants may be registered against said fund as other claims are registered, and it is hereby made the duty of the treasurer of said county to pay the same as early as is possible out of said fund.

Section 20. The solicitor for said court shall receive one thousand dollars per annum, which ^{Salary of} shall be his salary, and the same shall be payable ^{Solicitor.} out of the solicitors' fees earned in said court as taxed and collected and paid into the clerk of ^{How paid.} said court, and in no other way, and it shall be the duty of said clerk to pay all such fees over to said solicitor on his salary each year as the same are collected and paid to him, but not more than the amount of the salary of such solicitor shall

Disposition of
fees in excess
of salary.

be paid him in any one year, and all such fees as taxed and collected after paying the annual salary of such solicitor shall be paid into the fine and forfeiture fund of the county treasury of said county as the same is collected, and there shall be monthly reports of all such fees taxed, all paid to such solicitor and all that are paid into the county treasury each year by the clerk of said court, and the solicitor shall also make an annual report to be filed with the county treasurer of all fees taxed in criminal causes in said court.

Election; term
of office, etc.,
of judge.

Section 21. There shall be elected by the qualified voters of Covington county at the general election to be held in said county in the year 1908, a judge of said court, and each four years thereafter a judge shall be elected in like manner in the general election, and the term of the judge of the court shall be four years, and any judge so elected or appointed under this act shall hold said office for four years and until his successor is elected and qualified; the judge of said court shall at the time of his election or appointment and during his continuance in office reside in said county, he shall be learned in the law and possess all the qualifications required of circuit judges of this State, take the same oath and to be filed in the same way and manner, and shall be removable in the same way and for like causes as such circuit judges and subject to all the duties as conferred in this act, and liable to all the pains and penalties as such judges; in case of the death, removal from office or resignation of any judge of said court, such vacancy must be filled by appointment by the governor of Alabama, and the person so appointed shall hold such office for the unexpired term of his predecessor, and until his successor is elected and qualified.

Oath.

Removal.

Vacancy.

Selection, term
of office, etc.,
of solicitor.

Section 22. There shall be elected by the qualified voters of said county, at the time and in the same manner as the judge of said court is elected, a solicitor for said court, who shall possess the

same qualifications as is prescribed for the judge of said court and take and file the same oath to be filed in the same manner as such judge, and such solicitor shall be removable from office for the same causes and in the same manner as solicitors of the circuit courts of this State, and he shall perform the same duties with reference to said city court as is required of the circuit solicitors in like matters in the circuit courts, and shall be subject to the same duties in the prosecution of criminal causes in said city court; in the event of the death, removal or resignation of the solicitor of said court, the vacancy must be filled by appointment by the governor of Alabama, and the person so appointed shall hold for the unexpired term of his predecessor, and until his successor is elected and qualified.

Oath.

Removal.

Duties.

Vacancy.

Section 23. Immediately after this act is approved and becomes a law, there shall be appointed a judge of said court by the governor of Alabama, who shall hold such office by virtue of such appointment until his successor is elected and qualified.

Appointment of judge.

Section 24. Immediately after the approval of this act there shall be appointed a solicitor for said court by the governor of Alabama, who shall hold such office by virtue of such appointment until his successor is elected and qualified.

Appointment of solicitor.

Section 25. This act shall go into effect from and after its passage and approval by the governor of Alabama, or becomes a law under the constitution of the State of Alabama.

Effect.

Approved March 5, 1907.

No. 192.)

AN ACT

(S. 137.

Providing that no license or taxes of any character shall be required by the State, county or municipality from the Central Alabama Fair Association, or from those who conduct business under contract with it on its

grounds during the time its annual fair is actually in progress.

Exempt from
tax and
license.

Section 1. Be it enacted by the legislature of Alabama, That no license or taxes of any character shall be required by the State, county or municipality from the Central Alabama Fair Association or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.

Repeal.

Section 2. That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 2, 1907.

No. 193.)

AN ACT

(S. 185.)

To amend an act establishing the Blocton public school district in Bibb county, Alabama, approved February 28, 1887.

Territory ex-
cluded from
operation of
act.

Section 1. Be it enacted by the legislature of Alabama, That that portion or part of the territory described in the above named act which is included in, or comprises the corporate limits of the town of West Blocton be and the same is hereby excluded from the operation of the said above named act, and that the said act be and the same is hereby repealed so far as it relates to said territory within the corporate limits of the town of West Blocton.

General school
laws apply to.

Section 2. That the territory included within said corporate limits of said town, shall be governed by the general schools laws of the State of Alabama.

Approved March 2, 1907.

No. 194.)

AN ACT

(S. 250.)

For the relief of W. A. Singleton and B. G. Singleton, of Marengo county, Alabama, for the over payment of money for the purchase of school lands in section 16, township 12, range 1, west.

Section 1. Be it enacted by the legislature of Alabama, That an appropriation of four hundred and thirty-five dollars be and the same is hereby made for the relief of W. A. Singleton and B. G. Singleton of Marengo county, for the over payment of money for the purchase of school lands in section 16, township 12, range 1, west.

Section 2. That the amount of money named in the foregoing section shall be paid out of any funds in the treasury not otherwise appropriated and that the State auditor be and is hereby authorized and required to draw his warrant on the treasurer for the amount named in section 1 of this act.

Approved March 2, 1907.

No. 195.)

AN ACT

(S. 251.)

To prohibit the sale, delivery or other disposition of miner's oils, or any materials or substitutes for miner's oils, to be used in the mines of Jefferson county, Alabama, without the official brand, stamp, label or stencil of the inspector of miner's oils for Jefferson county, Alabama, being affixed or attached to the barrel, package, cask or vessel in which the article sold, delivered or disposed of is contained at the time of the disposition or delivery, and to provide for and regulate the payment of fees to such inspector for affixing such official brand, stamp, label or stencil and to regulate the charges and fees to be paid therefor.

Penalty for
failure to have
oil tested.

Sec. 1. Be it enacted by the legislature of Alabama, That any person, firm or corporation, or agent of any person, firm or corporation who shall hereafter sell, deliver or otherwise dispose of any miner's oil or any material or substitute for miner's oil in Jefferson county, Alabama, and to be used in the mines of Jefferson county, Alabama, which is required by law to be tested and inspected by the inspector of miner's oils for Jefferson county, Alabama, before the said sale, delivery or disposition thereof or at the time of the sale, disposition or delivery thereof, shall procure the county inspector of miner's oils for Jefferson county, Alabama, or his assistant, to affix or attach the official brand, stamp, label or stencil on the barrel, package, cask or vessel in which the said oil, material or substitute therefor to be delivered to the purchaser or person receiving the same, and any sale, delivery or other disposition of such miner's oils, material or substitute for use in the mines of Jefferson county, Alabama, without the official stamp, brand, label or stencil of the county inspector of miner's oils for Jefferson county, Alabama, being at the time of such sale, delivery or other disposition, on the vessel, package, barrel or cask in which the delivery is made, whether such oil has been tested or inspected, shall be a misdemeanor and any person found guilty thereof shall be fined not less than fifty dollars nor more than five hundred dollars at the discretion of the jury trying the same.

Amount of fee
of inspection.

Sec. 2. That any miner's oils that have been or may be hereafter inspected in Jefferson county, Alabama, in tanks or vessels containing five thousand gallons or more and after such inspection removed into smaller vessels, barrels or casks in the presence of the inspector of miner's oil for Jefferson county, Alabama, may be officially branded, stamped, labeled or stenciled by the said inspector or his assistant without further test thereof, and if no further test is in fact made his fees for such inspection into the reload-

ed smaller vessels, barrels, casks or other vessels containing less than five thousand gallons shall be one and three-fourths cents per gallon; provided, that if the said miner's oils, material or substitute therefor, has been inspected in bulk and the inspection fees paid and said oils, material or substitute is reloaded into smaller vessels without reinspection, but in the presence of the inspector in one continuous transaction, the three-fourths of one cent for inspection in bulk which has been, or may be paid, shall be deducted from the inspectors fees of one and three-fourths cents per gallon provided for in this section.

Sec. 3. That any and all parts of laws, local ^{Repeal.} or general in conflict with the provisions of this act, are hereby repealed and all courts are hereby requested to construe this act liberally in fa- ^{How con-} vor of inspection and tests provided herein and ^{strued.} for the protection of the lives and property of the miners and mine owners of Jefferson county, ^{Effect.} Alabama. "Provided that this act shall become effective ten days after its approval."

Approved March 4th, 1907.

No. 196.)

AN ACT

(S. 288.

To constitute and establish that certain subway, now in the course of construction and completion, under authority of an ordinance of the city of Birmingham, Ala., and extending underneath Twenty-Sixth street, north, and Twenty-Seventh street, north, in the city of Birmingham, Ala., and between the western boundary line of said Twenty-Sixth street, north, and the eastern boundary line of Twenty-Seventh street, north, as a part of Fifth avenue, in said city, in lieu of all that part of Fifth avenue as heretofore constituted and established lying over and above and outside of said subway and between the said

Twenty-Sixth and Twenty-Seventh streets and which is abandoned and discontinued as a public street or highway.

Part of 5th
avenue.

Section 1. Be it enacted by the legislature of Alabama, That that certain subway, now in the course of construction and completion, under the authority of ordinance No. 7 of the city of Birmingham, Ala., entitled, "An ordinance granting to the Birmingham Terminal Company certain rights and franchises," and extending underneath Twenty-sixth street, north, and Twenty-seventh street, north, in the said city of Birmingham, Ala., and between the western boundary line of said Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, be and the same is hereby constituted and established as a part of Fifth avenue, in said city, in lieu of and as a substitute for all that part of Fifth avenue as heretofore constituted, established and used as a public highway, lying over and above and outside of said subway, and between said Twenty-sixth and Twenty-seventh streets.

Part dis-
continued as
public street.

Section 2. That all that part of said Fifth avenue lying over and above and outside of said subway, and extending between the eastern boundary line of Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, in said city, be and the same is hereby discontinued and abandoned for use as a public street, or public highway; but nothing herein contained shall prevent the city of Birmingham from authorizing the use of that part of said Fifth avenue herein discontinued and abandoned outside of said subway for the public purpose of the erection and maintenance of a union railroad passenger depot, or station, as provided for in and by said ordinance of said city.

Union station.

Right of com-
pensation.

Section 3. That nothing herein contained shall have the effect to deprive any person or corporation of any right to compensation under

the constitution and laws of Alabama for property taken, injured or destroyed.

Approved March 2, 1907.

No. 197.)

AN ACT

(S. 289.

Declining on the part of the State of Alabama to accept for the purpose of establishing an Industrial School for indigent white girls and young ladies of the State, that certain property in Marion, Perry county, Alabama, formerly known as Howard college and now used and known as the Marion Military Institute.

Section 1. Be it enacted by the Legislature of Alabama; That the State of Alabama does hereby decline to accept that certain property in Marion, Perry county, formerly known as Howard College, and now used and known as the Marion Military Institute, for the purpose of establishing an Industrial school for indigent white girls and young ladies of the State, which said property is more particularly described in a certain deed of dedication executed by Wm. W. Wilkerson and wife and Jesse B. Lovelace and wife, on the 3rd day of February, 1888, and duly recorded in the office of the judge of probate of Perry county, Alabama; and the State of Alabama does hereby remise, release and forever quit-claim to the trustees of the Marion Military Institute any interest it may have in said property by reason of the provisions and conditions in said deed.

Approved March 2, 1907.

No. 198.)

AN ACT

(S. 297.

For the relief of J. M. Cobb and W. J. Taylor.

Section 1. Be it enacted by the legislature of Alabama, That immediately after the approval of the bill for the relief of J. M. Cobb and W. J. Taylor.

of this act, the judge of probate of Clarke county shall draw his warrant on the county treasurer of said county in favor of J. M. Cobb and W. J. Taylor for the sum of one hundred dollars, being the amount paid by them on the forfeited bail bond of Tom Norwood which was forfeited at the spring term, 1903, of the circuit court of said county. Said warrant to be a preferred claim against the fine and forfeiture fund of said county.

Approved March 2, 1907.

No. 199.)

AN ACT

(S. 302.

To amend an act entitled an act to establish the city court of Bessemer, approved February 28th, 1901.

Section 3
amended.

Term of pres-
ent judge ex-
tended.

Election of
judge.

Term of of-
fice.

Oath.

Impeachment.

Section 1. Be it enacted by the legislature of Alabama, That section 3 of an act entitled an act to establish the city court of Bessemer, approved Feb. 28th, 1901, be and the same is hereby so amended so as to read as follows: Section 3. The present judge of said city court of Bessemer shall continue in office until the next general election of circuit judges in this State in the year 1910 and until his successor is elected and qualified, unless he be sooner removed, resign or die, and at such general election and every six years thereafter, a judge of said city court of Bessemer shall be elected by the qualified voters residing within Jefferson county, Alabama, whose term of office shall be six years from the date of such election and until his successor is elected and qualified. The judge of said city court of Bessemer shall, before entering upon the discharge of the duties of his office, take the oath of office required by the law to be taken by judges of the circuit court, and the judge of said city court of Bessemer now in office and any judge thereof who may hereafter be in office, may be impeached or removed from office in the same manner and

for the same causes as judges of the circuit court; and the judge of the city court of Bessemer, shall have and exercise the same jurisdiction and powers within the territory which on the first day of October, 1903, was embraced within said precincts enumerated in section one (1) of an act entitled an act to amend an act to establish the city court of Bessemer approved February 28th, 1901, which amendment was approved October 1st, 1903, as judges of the circuit court and chancellors now or may hereafter have and exercise, including the power to issue writs of injunction, prohibition, ne exeat, mandamus, and all other remedial writs, but such power shall be confined to cases arising within said territory, which on the first day of October, 1903, was embraced within said precinct enumerated in section one (1) of said act entitled an act to amend an act to establish the city court of Bessemer, approved February 28th, 1901, which amended act was approved October 1st, 1903.

Section 2. That section 4 of an act entitled an act to establish the city court of Bessemer, approved February 28th, 1901, be and the same is hereby so amended as to read as follows: Section 4. The judge of said court shall at the time of his election or appointment be a duly licensed lawyer, and shall have been for twelve months preceding the time of his appointment or election a resident of said Jefferson county, Alabama, and a citizen of the United States and shall have been such citizen for five years next preceding his appointment or election and he shall be at least twenty-five years of age, and shall during his term of office continue to be a resident of said county. Vacancies in the office of judge of said court shall be filled by the governor, and the term of office of the person appointed by the governor to fill any vacancy shall be the unexpired term of his predecessor, and until his successor is elected and qualified.

Jurisdiction and powers.

Section 4 amended.

Qualifications of judge.

Vacancy; how filled.

Section 5
amended.

Clerk and
register.
Term of of-
fice, etc., etc.

Section 3. That section 5 of said act entitled an act to establish the city court of Bessemer, approved February 28th, 1901, be and the same is hereby so amended as to read as follows: Section 5. The clerk and register of said court now in office, shall continue in office for the term for which he was appointed, unless he sooner be removed, resign or die, and he may be removed from office by the judge of said court for such causes and in such manner as are or may be provided by law for the removal of the clerks of the circuit court. Any vacancy occurring in the office of clerk and register of said court, whether by death, resignation or removal, shall be filled by appointment by the judge of said court, and such clerk and register shall hold his office during the term of the judge appointing him, and until his successor is appointed and qualified, but such clerk and register may be removed from office by the judge of said court for such causes and in such manner as are or may be provided by law for the removal of clerks of the circuit courts. Before entering upon the discharge of the duties of his office, such clerk and register shall give a bond, with sureties, and in such amount as may be fixed by the judge appointing him, not less than five thousand dollars and shall be payable, conditioned, filed, and recorded as required by law in respect to bonds of clerks of the circuit court, and shall be approved by the judge of said court. Such clerk and register shall have the powers and perform all the duties, in respect to said court, as may be now or may hereafter be lawfully exercised and performed by the clerks of the circuit court and registers in chancery in this State, including the power of issuing attachments and other extraordinary process, returnable before said court, and he shall be subject to the same liabilities and penalties to be enforced by the same remedies, as are now or may hereafter be provided, as clerks of the circuit courts or registers in chancery. The fees of such clerk and register shall be the same as those

Fees.

now or hereafter allowed by law to clerks of the circuit court or registers in chancery for like services performed by them, and he shall reside in Jefferson county during his continuance in office, and shall have resided therein for twelve months next preceding his appointment. Said court shall adopt and keep a seal which shall be kept by the clerk and register thereof. Seal of court.

Section 4. That section 22 of said act entitled an act to establish the city court of Bessemer, approved Feb. 28th, 1901, be and the same is hereby so amended as to read as follows: Section 22. That the salary of the judge of said court shall be eighteen hundred dollars per annum until the expiration of the present term of the judge thereof after which time the salary of such judge shall be four thousand dollars per annum, and the same shall be payable monthly on the last day of each month out of the treasury of the county of Jefferson upon the order of said judge, and the same shall be a preferred claim against said county, and receivable in payment of the taxes due the same. Section 22 amended.
Salary of judge.

Section 5. That section 32 of said act entitled an act to establish the city court of Bessemer, approved February 28th, 1901, be and the same is hereby so amended as to read as follows: Section 32. That said court may organize and empanel grand juries at such times, not exceeding twice, during any term of said court as it may deem the public interest may require; and may organize and empanel such petit juries as the business of said court may require; such juries both grand and petit, to be drawn or selected from the qualified jurors residing in Jefferson county; and the board of revenue or other person clothed with the power to provide for jurors for the different courts of said county, are hereby authorized and directed to provide for jurors, both grand and petit, for the city court in the same manner as they are required to provide for jurors for the criminal court of Jefferson county except as otherwise herein provided. Section 32 amended.
Grand juries.

Section 33
amended.

Petit juries.

Section 6. That section 33 of said act entitled an act to establish the city court of Bessemer, approved February 28th, 1901, be and the same is hereby so amended as to read as follows: Section 33. Petit jurors for the trial of criminal cases and grand jurors for the investigation of offenses committed within the territory subject to the jurisdiction of said court (violations of the law in said district described in section one of said act as heretofore amended) shall be drawn and summoned from said county of Jefferson and empaneled, and special venires issued and tales jurors summoned by said city court of Bessemer in the same manner as is provided by law for summoning such jurors in the criminal court of Jefferson county at Birmingham; provided that in completing the juries for the trial of any capital case the judge of said city court shall draw under the provisions of the act and laws regulating the trial of capital cases in said Jefferson county, the names of persons subject to jury duty residing within two miles of the place where said court is held in the city of Bessemer.

Section 36
amended.

Drawing of
jurors.

Section 7. That section 36 of said act entitled an act to establish the city court of Bessemer approved February 28th, 1901, be and the same is hereby so amended as to read as follows: Section 36. The names of all persons liable to jury duty, whose names are or may be included in the boxes from which jurors are drawn for Jefferson county, shall be placed in a separate box to be used for the said city court of Bessemer, which said box when not in use by the board of revenue of said county in their annual drawing of the jurors of said city court of Bessemer, shall be safely kept by the clerk of said city court of Bessemer, at some place in the city of Bessemer, and the key to said box shall be kept by the said judge of the said city court of Bessemer, and at least four weeks prior to the beginning of each term, whether regular or special, the judge of said court shall order the board of revenue of Jefferson

county to draw, under the existing laws for drawing jurors in said county, such petit jurors and grand jurors for said court as said judge may deem necessary and proper.

Section 8. Nothing in this act shall affect the validity of the action of the board of revenue of said county, heretofore had or done in drawing jurors for services in said court during the year 1907, nor shall it affect the competency of jurors drawn or summoned by or pursuant to the action of said board of revenue. ^{Ineffective as to jurors for 1907.}

Section 9. All laws and parts of laws in conflict with this act are hereby repealed. ^{Repeal.}

Approved March 2, 1907.

No. 200.)

AN ACT

(S. 315.

To authorize the town of Dothan to establish, maintain, regulate and make efficient a dispensary in the town of Dothan, and to provide for the operation and carrying on of such dispensary by the said town of Dothan, and for the distribution of the net proceeds of the said dispensary.

Section 1. Be it enacted by the legislature of Alabama, That on and after the passage of this act, the town of Dothan, in Houston county, Alabama, shall conduct and carry on in its corporate name, and in its corporate capacity, the business of buying and selling spirituous, vinous and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary, and the said town of Dothan shall have but one dispensary, and no liquor shall be sold in the said town of Dothan except in said dispensary. ^{Dispensary authorized. Liquor sold in no other way.}

Section II. That the said town of Dothan, by its dispensary board hereinafter created, shall invest in said dispensary business, a sum of money ^{Amount invested.}

	not less than five thousand dollars, nor more than ten thousand dollars, and the liquor bought and sold by said dispensary shall be of the purest and of the best quality.
Office of dispenser created.	Section III. That the office of dispenser in said dispensary in the said town of Dothan, is hereby created, and there shall be but one dispenser in said dispensary, with such other clerks and aid as may be necessary for the proper carrying on and operation of the business of said dispensary; and the term of office of said dispenser shall be one year, and such dispenser shall hold office until his success is elected and qualified.
Clerks.	
Dispensary Board.	Section IV. That the said town of Dothan shall operate, carry on the business of said dispensary by and through the following male citizens, who are qualified electors of the town of Dothan, who shall be known, and are hereby made the agents and employees of said town of Dothan, to constitute and make a dispensary board, to-wit: John Sanders, F. C. Baker, Robt. Boyd, J. L. Crawford and R. C. Williams; and the said five citizens of the said town of Dothan, constituting said dispensary board, and as the agents and employees of the said town of Dothan, shall carry on, do the business of, and operate said dispensary in the name of and for the said town of Dothan, for five years from the approval of this act; and the terms of office of the members of said dispensary board shall be and is hereby made five years, from the approval of this act; and they, and each of them, shall qualify within ten days after the approval of this act, by taking and subscribing, each for himself, an oath, that he will faithfully and honorably discharge all duties of a member of the dispensary board of the town of Dothan; and by making a bond in the sum of one thousand dollars, payable to the town of Dothan, and approved by the mayor and councilmen of said town, conditioned to faithfully discharge all the duties required of him as a member of the dispensary board of the town of
Members of.	
Carry on business.	
Term of office.	
Oath.	
Bond.	

Dothan; and the said dispensary board shall elect one of their number to be treasurer of said dispensary, whose term of office shall be for six months from the date of his election, and until his successor is elected and qualified; and such treasurer shall make a good and sufficient bond in the sum of ten thousand dollars, payable to the town of Dothan, and conditioned that he shall faithfully discharge all the duties required of him as such treasurer, to be approved by the mayor and council of said town, and such treasurer shall receive no salary. The said dispensary board shall elect one of their number to be secretary of said board whose duty it shall be to accurately keep the books of said dispensary so as to disclose at all times, accurate information as to the condition, expenses, profits, losses and status of said dispensary business, and shall make reports of same as the law governing and the requirement of the dispensary may require; and to do and perform all other acts usual to secretaries of business concerns; and such secretary shall receive for his services the sum of one hundred dollars per year; that each member of said dispensary board shall receive the sum of five dollars for each and every regular session of the meetings of the said board actually attended by him, and no member of said board shall receive any pay for any meeting except for regular meetings, as provided for in this act, and actually attended by him.

Section V. That upon the death, resignation or failure to act, of any of said members of said dispensary board, or any successor thereof, the governor of Alabama shall make appointment to fill such vacancy, and the terms of such appointee shall be for the unexpired term of the member in whose place he was appointed; and at stated periods of every five years, after the approval of this act, the governor of Alabama, shall appoint a dispensary board for the town of Dothan, consisting of five male citizens of the town, who shall be qualified electors of said town, and

Officers of
board; du-
ties, etc.

Vacancy; how
filled.

New board.

whose duty shall be to carry on, operate and do the business of said dispensary in the town of Dothan, in the name of, and for the said town.

Duty of board. Section VI. That the said board of dispensary shall do and perform all acts and things necessary and proper, in the name of and for the said town of Dothan, to carry on, operate and do the business of said dispensary; and shall employ the dispenser for the said dispensary, and all such other clerks and aid as may be necessary to the operation of said dispensary by said town.

Sessions of board.

Section VII. That the said town of Dothan, through and by its said board of dispensary, shall meet in regular session on the first Tuesday after the first Monday in each month, and at such regular sessions shall buy any and all spirituous, vinous or malt liquors and other things, or items of merchandise to be bought and carried by said dispensary; and shall not for any reason, or under any circumstances, make any purchases except at regular session, and such buying shall be open and in the presence of, and as the joint act of the entire members of such dispensary board, and such other persons as may desire to be present; and all orders given for such purchases shall be in writing and in duplicate, and shall be signed by each member of the dispensary board, in person.

Purchase of goods.

Limit on stock carried.

Section VIII. That the said town of Dothan, in its said dispensary, shall not carry more in stock than ten thousand dollars, but within said limit of ten thousand dollars, shall, at all times, keep a complete stock of spirituous, vinous and malt liquors.

Duties of dispenser.

Section IX. The said dispenser of said dispensary shall do and perform all the duties of his office as required of him by said town, under and through said dispensary board, and he shall execute to the town, a bond for the sum of two thousand five hundred dollars, conditioned that he will honestly and faithfully discharge all the duties as such dispenser, and said bond shall be approved by the mayor and council of said town.

Bond.

The said dispenser shall be discharged for neglect of business, incompetency, misfeasance or malfeasance in office, by the said town of Dothan, acting through and by its said dispensary board; and upon the removal or discharge, or ^{Successor.} upon the death or resignation of such dispenser, the said town of Dothan, by its said dispensary board, shall elect his successor; and the salary of the dispenser of said dispensary, and the ^{Salary.} salary of such other clerks and aid as the said dispensary may employ, shall be fixed and paid by the said town of Dothan, through and by its said dispensary board; and the said town of Dothan shall not make or permit the salary of the dispenser or any clerk or aid, to depend on the amount of the sales that may be made by its dispensary.

Section X. The said town of Dothan, for its ^{Quantity} dispensary, shall not sell any liquor of any kind sold. in any quantity less than one-half pint and it shall not make any sales between sundown of ^{Hours for sale.} one day and sunrise of the next day.

Section XI. That any person who drinks or ^{Penalty for} consumes any liquor in said dispensary shall be drinking in ^{dispensary.} guilty of a misdemeanor, and upon conviction, shall be fined not less than fifteen dollars nor more than one hundred dollars.

Section XII. The said town of Dothan, ^{Liquor sold} through the dispensary, shall not sell any spirit-only in sealed ^{packages.} uous, vinous or malt liquors, or intoxicating drinks of any kind that are not contained in sealed packages; the said town shall not receive or keep any broken packages in its said dispensary, and if any original package should be ^{Broken pack-} broken; the contents shall at once be bottled and ^{ages sealed.} the bottle sealed.

Section XIII. The said dispensary board, for ^{Account of} and in the name of, and as the agent of said town purchases, of Dothan, shall keep an accurate account of all ^{sales, etc.,} purchases and the amount of each day's sales. ^{kept.} The said dispensary board shall make to the mayor or of the town of Dothan monthly reports, so as to ^{Reports of} furnish full and accurate information as to the ^{board.}

condition, expenses, profits, losses and status of said dispensary business, and shall make other and additional report, oral or in writing, whenever, and as often as the said mayor may require.

Disposition of
net profits.

Section XIV. On the first days of January, April, July and October of each year, the said town of Dothan, through and by its said dispensary board, shall pay into the treasury of the town of Dothan, one-third of the net profits made by the said town in its dispensary; and shall pay into the treasury of the Dothan City School, one-third of the net profits made by the said town of Dothan in its dispensary; and shall pay to the superintendent of education of Houston county, one-third of the net profits made by the said town in its dispensary, as a part of the school fund of said county, to be appropriated to the various schools of said county, in accordance with the school census of said county; and the county superintendent of education for said county shall be entitled, and receive out of said school fund, four per cent. commission as compensation for the disbursement of said fund; and the said town of Dothan shall pay, through and by its said dispensary board, a State and county license for each year, as shall be required by law.

Gates, etc.,
connecting, not
allowed.

Section XV. No gates, doors, windows or openings shall connect any dispensary with any adjacent house, or lot or street, so as to permit ingress or egress into or out of such house or lot from and into the dispensary.

Repeal.

Section XVI. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Effect.

Section XVII. This act shall go into effect immediately upon its approval.

Approved March 2, 1907.

No. 207.)

AN ACT

(S. 142.)

For the government of juvenile delinquents in the county of Mobile, Alabama. Be it enacted by the legislature of Alabama:

Section 1. This act shall apply only to children sixteen years of age and under, not inmates of a State institution or of any institution incorporated under the laws of the State of Alabama for the care and correction of delinquent children. Children act applied to.

Section 2. The words "Juvenile Delinquents" shall include any child sixteen years of age or under who violates any law of this State or any of the ordinances of the city of Mobile, or of any city or incorporated town in the county of Mobile, Alabama; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who habitually begs in the public streets or thoroughfares; or who knowingly enters a house of ill repute or who knowingly visits or patronizes any policy shop, or place where any gambling device is, or shall, be operated; or who patronizes or visits any saloon where any intoxicating liquors are sold, or where pool and billiards are played; or who patronizes or visits any pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or hooks on to any moving train, or electric car, or enters any car, or engine, without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in What words "Juvenile Delinquents" includes.

such cause, shall not in any civil, criminal or other cause of proceedings whatever, in any court be lawful or proper evidence against said child for any purpose whatever, except in subsequent cases against the same child under this act.

Courts having jurisdiction.

Section 3. The inferior criminal court of Mobile county, Alabama, the probate court of Mobile county, Alabama, and the recorder's court of the city of Mobile, Alabama, shall each have concurrent jurisdiction in all cases coming within the terms and provisions of this act. When

Appeals from and jury trials had in city court.

an appeal is taken from the decisions of either of the above named courts, or a jury trial is demanded, as hereinafter provided for, said appeal shall be taken to, and said jury trial had in, the city court of Mobile, Alabama, the same shall be to the supreme court of the State of Alabama.

Right of appeal and demand for jury.

In trials under this act the child informed against, or any person lawfully interested in said child, shall have a right of appeal or a right to demand a jury trial. In the event of such appeal being taken, or a jury trial being demanded, the judge of the court trying such case shall remand such delinquent child to the charge of the probation officer of such court to await the trial by jury or an appeal, and the clerk of such court shall forthwith deliver to the clerk of the city court of Mobile, Alabama, the record of the proceedings of the trial of such child, together with the names and addresses of the witnesses in the case and the names and addresses of the parents of such child, or those lawfully interested in such delinquent. The said city court shall have jurisdiction to try such cases de novo, and to render the same judgments and proceed the same as the three courts above named.

When appeal taken, care of child.

Separate dockets kept by clerks of courts.

Section 4. The clerks of the courts named in section 3 of this act shall each keep a separate docket, or record, of the cases coming within the provisions of this act, to be known as the "Juvenile Record" and between the first and fifteenth days of January of each year they shall submit to the board of county commissioners of Mobile

Report of.

county, Alabama, a report in writing showing the number and disposition of delinquent children brought before their respective courts, together with such other useful information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof.

Section 5. All proceedings under this act shall be by information or sworn complaint of any probation officer provided for by this act, or of the chief of police of the city of Mobile, Alabama, or of the city attorney of the city of Mobile, Alabama, or of the county attorney of the county of Mobile, Alabama. Suitable information blanks shall be provided each of the courts above named by the board of county commissioners of the county of Mobile, as well as such other papers and printed stationery as may be necessary in such cases. In such information or complaint, filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent.

Section 6. Upon a filing of an information under this act, a warrant or capias may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had, unless in the opinion of the judge of the court trying the case, it shall be necessary to insure the attendance at court of such child at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the officer or deputy sheriff serving such warrant, to serve a notice of the proceedings upon at least one parent of such child, if living and known, or its legal guardian, or if it has no guardian, nor parent living within the county of Mobile, Alabama, or their whereabouts be unknown, then upon the child, of the time and court of its trial. Said officer shall also notify at once the probation officer herein provided for of the service of such warrant, and shall at once surrender the custody and supervision of such child

Proceedings
by informa-
tion.

Information
blanks, etc.

Warrant, ser-
vice of, etc.

Notice to pa-
rent, etc.

Power of
judge to pun-
ish parent, etc.
for contempt.

to such officer. In the event of the notice being given the parent, or guardian of such child as above provided for, and such parent or guardian shall refuse to produce such child upon the trial of such case, or shall be an accomplice to the failure of such child to appear at such trial, the judge of such court shall have power to punish such parent or guardian for contempt of court, within the jurisdiction of such court to punish for contempt.

Right of
child to give
bond.

Section 7. Any such child informed against shall also have the right as now given by law to any person, to give bond, or other security, for its appearance at the trial of such case, and the court may in any case arising under the provisions of this act, appoint counsel to appear and defend on behalf of such child.

Probation of-
ficer; appoint-
ment of.

Section 8. The judge of the inferior criminal court, probate court, and the recorder of the city of Mobile, shall jointly appoint a discreet person of good moral character, to serve as probation officer. In the event of the death, sickness or inability of the officer to serve for more than ten days, said judges may appoint a probation officer pro tem, who shall serve until said officer's incapacity is removed, when the office shall again be filled by the return to duty of the incumbent or the election in case of death or resignation of a permanent officer by the judges aforesaid. In the event of a disagreement between said judges as to such appointments, a majority vote of the three judges shall prevail in the appointment of such officer. The probation officer herein provided for shall receive a salary of sixty (\$60.00) dollars per month to be paid out of the county treasury of Mobile county, Alabama, and the treasurer of said county shall draw his warrant monthly in favor of such officer. It shall be the duty of the clerk of each of the above named courts to notify at once, when information is filed against a child under the provisions of this act, the probation officer when said child is to be brought before the court, and it shall be the duty

Salary of.

Clerks to no-
tify probation
officer when
information
filed.

of the probation officer to investigate the case, to be present in the court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require, and to take charge of any child before and after the trial as may be directed by the court. The probation officer is hereby vested with all the power and authority of sheriffs and police officers of the city and county of Mobile, Alabama, to make arrests and perform the other duties incident to their office.

Power of
sheriffs and
police officers
vested in.

Section 9. In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time, and

Case con-
tinued.

may commit the child to the care of a probation officer, and may allow said child to remain in its home subject to the visitation of the probation officer, such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home subject to the friendly supervision of the probation officer, and the further order of the court; or it may authorize the child to be boarded out in some suitable family, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment or the court may commit such child, if a boy, to the Alabama Industrial School, for white boys, or if a girl, to the Alabama Girls' Industrial School, or the court may commit the child to any institution within the county of Mobile, Alabama, incorporated under the laws of this State, that may care for children and is willing to receive the child, or which may be provided by the State or county suitable for the care of such children, or to any State institution which may be provided by the State or county suitable for the care of such children, or to any

Care of child.

Child com-
mitted to in-
stitution.

State institution which may hereafter be established for the care of boys and girls and which will receive such child. In no case shall a child proceeded against under the provisions of this act be committed beyond the age of twenty-one. A child committed to any institution shall be subject to the control of the lawful managers of the same, and such managers shall have power to parole such child upon conditions as they may prescribe; and the court, upon the recommendation of such managers, shall have the power to discharge such child from custody, whenever in the judgment of such court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided.

Reports from
institution re-
ceiving child.

Section 16. The court or judge thereof, may at any time require from any institution receiving children under the provisions of this act, or desiring to receive such children, such reports, information and statements as the court or judge shall deem proper or necessary for his action, and the court shall in no case commit the child or children to any association or institution, or allow said child to remain therein whose standing, conduct or care of children, or ability to care for the same is not satisfactory to the court.

Ineffective as
to general
laws.

Section 11. Nothing in this act shall be construed to repeal any of the general laws of the State of Alabama relating to industrial schools of the State, or to the care of juvenile delinquents generally throughout the State.

How act con-
strued.

Section 12. This act shall be literally construed to the end that its purpose may be carried out, to-wit: that the care and custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable any delinquent child shall be treated not as a criminal, but as misdirected and misguided, and needing aid, encouragement and assistance.

Section 13. This act shall take effect and be in force from and after its passage. ^{Effect.}

Approved March 5, 1907.

No. 208.) AN ACT (S. 136.

To further regulate the financial affairs of Dallas county.

Section 1. Be it enacted by the legislature of Alabama, That section 4 of an act, entitled an act to further regulate the affairs of Dallas county, approved February 2nd, 1897, be, and the same is hereby amended to read as follows: Section 4. Be it further enacted, That the board of revenue of Dallas county shall hereafter on the first day of January, April, July and October, quarterly publish in some daily or weekly paper, published in the city of Selma, a full, complete and itemized statement of the status and condition of the financial affairs of said county; said statement to show amount of receipts and on what account, as well as each item of disbursement and to whom, and for what purpose disbursed or paid. The costs of said printing shall not exceed one dollar (\$1.00) per inch for each insertion set in non pareil type. ^{Publication of financial affairs of county.} ^{Cost of.}

Approved March 2, 1907.

No. 209.) AN ACT (S. 128.

To create and establish a criminal court of record of Clarke county, Alabama, to be known and styled as the county court of Clarke county, Alabama; to define the jurisdiction of said court; to regulate the practice therein; to provide for a judge, solicitor and clerk of said court, and to fix their compensation.

Court created and established.

Section 1. Be it enacted by the legislature of Alabama, That a criminal court of record, to be known and styled as the county court of Clarke county, Alabama, is hereby created and shall have jurisdiction of all misdemeanors committed in said county.

Transfer of indictments from circuit court.

Section 2. That at the spring term of the circuit court of said county, 1907, it shall be the duty of the presiding judge thereof, upon the day of adjournment of said court, to make an order upon the minutes of said court directing and requiring the clerk of said circuit court to deliver to the judge of said county court all indictments then pending and untried in the said circuit court against persons charged with the commission of misdemeanors, together with all papers and a certified copy of all docket entries and minutes of proceedings had therein in said circuit court and upon the transfer and delivery of the same the jurisdiction of said circuit court shall cease, and exclusive jurisdiction thereof shall vest in said county court.

How prosecutions instituted in.

Section 3. That prosecutions may be instituted or commenced in said county court as now provided in county courts, to be hereafter subject to the provisions of this act.

Indictments for misdemeanors returnable to.

Section 4. That all indictments for misdemeanors that may hereafter be preferred by the grand jury of said county, must be returned by the clerk of the circuit court to said county court and it shall be the duty of the clerk of the said county court to record said indictments in a book kept for that purpose and issue process thereon as now provided by law for indictments returnable to the circuit court.

Procedure.

Section 5. That the procedure in said county court shall conform to the practice and rules of procedure of the circuit court of this State, as far as applicable, and except as otherwise herein-after provided.

Terms of.

Section 6. That said county court shall hold regular terms on the third Monday in each and every month and may continue in session until

the business of said court is disposed of. The regular terms in January and July in each year shall be the terms for the trial of cases by jury; provided that no jury term shall continue for more than one week at a time.

Section 7. That every person charged either ^{Trial by jury.} by complaint or indictment with the commission of a misdemeanor or who has been found bound over to said county court by a justice of the peace or a notary public exercising the jurisdiction of a justice of the peace in said county, or who has appealed to the said county court from a conviction before any justice of the peace or notary public exercising the jurisdiction of a justice of the peace in said county, shall be entitled to a trial by jury, provided that such person make a demand therefor at the first regular term of said court at which said case is triable.

Section 8. That whenever a jury trial is de- ^{Order of court} manded as provided in section 7 of this act, ^{when trial by} the court must make an order continuing the case ^{jury de-} to the next jury term of the said court and make ^{manded.} an order requiring the defendant to be committed to jail unless he gives bond for his further appearance at such jury term, and from term to term thereafter until discharged by law; provided that if he has already given bond for his appearance at said county court, such bond shall be sufficient.

Section 9. That the petit juries for any jury ^{Petit juries;} term of said county court shall be drawn and em- ^{how drawn,} paneled in the same manner as is now or may ^{etc.} hereafter be provided by law for the drawing of petit juries for criminal cases in the circuit courts of this State venires for said county court shall be issued and executed in the same manner as for said circuit courts and said county court shall have the same powers to summons special and tales jurors as the said circuit court now has, or may hereafter have except so far as altered by this act; and provided that the jurors empaneled at each term shall serve for the whole term unless excused by the court; and provided further,

that immediately upon the adjournment of the regular April term, 1907, of the commissioners' court of Clarke county, it shall be the duty of the probate judge of said county to reconvene said court and said commissioners' court shall then proceed to draw the jury for the July term, 1907, for said county court.

Laws appli-
cable.

Section 10. That all laws of a general nature now in force, or that may hereafter be enacted, as far as the same applies to misdemeanors, unless the contrary be expressly provided, or as may be limited by this act, be held to apply and extend to said court.

Temporary
adjourn-
ment.

Section 11. That there may be such temporary adjournment of said court as may be deemed expedient and proper by the judge thereof.

Failure of
judge to open
court.

Section 12. That if the judge of said county court fails to open said court on the first day of any regular term, that the sheriff of said county must adjourn the court from day to day, for not more than three days, after which time, if the judge still fails to attend the court will stand adjourned until the next regular term; provided, however, that this shall not apply to regular jury terms; and provided further, that when any jury term of said court will not be held by the regular judge of said court by reason of sickness of said judge or other cause, or when he is disqualified, or incompetent to serve as such judge, the clerk of said county court shall on the first day of the term of said court, or as soon thereafter as he shall obtain such information, shall proceed to appoint a practicing attorney of said county to hold said court, and such special judge so selected shall qualify by taking the oath of office prescribed by the constitution, and shall proceed to hold said court for the term, and during such term, shall exercise all the powers and jurisdictions of the regular judge of said court but his term of office shall cease and determine upon the adjournment of the term of the said court, or sooner, if the regular judge should appear and assume the duty of holding said court; provided,

Special judge.

Oath.

Term.

said special judge shall sign bills of exception in cases tried before him, and to that end may make orders extending the time for signing such bills of exceptions the same as the regular judge might do; provided further, that no commission shall be necessary or required to be issued to such special judge by the governor of Alabama, but the action of the clerk in selecting such judge, and the fact of his being so selected, shall be entered by the clerk of the said court upon the records of said court; provided further, that such special judge shall receive the same compensation for his services while holding said court and his actual and necessary expenses incurred therein as are received by the regular judge for the same services and paid in the same manner as the regular judge.

Powers as to
bills of excep-
tions.

Commission
not necessary.

Compensa-
tion.

Section 13. That the judge of said court may call a special jury term, whenever he deems it necessary; twenty days notice of such term must be given by publication in some newspaper published in said county; and the expenses of such advertisement shall be paid by the county out of the general fund.

Special jury
term.

Section 14. That all appeals from said court must be to the Supreme Court of the State of Alabama, and all laws now in force or that may hereafter be enacted governing or applying to appeals in misdemeanors from the circuit courts of the State, shall apply to appeals from said county court.

Appeals from
said court.

Section 15. That all preliminary proceedings before justices of the peace, or notary publics with the powers of a justice of the peace against persons charged with misdemeanors, if it appears that the offense has been committed and there is a probable cause to believe that the defendant is guilty thereof, the defendant must be discharged by giving sufficient bail to appear at the next regular term of said county court, but if the defendant fails to give such bond such person must be committed to the county jail by

Preliminary
proceedings
before justice
of peace; de-
fendant may
give bond.

an order in writing, and all papers and processes in such cases must be returned by the magistrate to the county court and such court must proceed to try the case on the original papers; provided, that the original affidavit may be amended as now provided by law for the amendment of affidavits in the county court.

Appeals to same.

Section 16. That all appeals by the defense from trials in criminal causes for misdemeanors from justices of the peace or notary publics exercising the powers of a justice of the peace in said county, shall be taken to the said county court and cases thus appealed must be tried de novo, as now required by the law for the trial of such appeals in the circuit court.

How tried.

Prosecutions may be commenced by affidavit.

Section 17. That prosecution may be commenced in said county court by affidavit made before the judge of probate, the judge of the county court, the clerk of the county court, the register in chancery and justices of the peace, or notary publics exercising the power of justices of the peace of said county and all of said officers may issue process upon said affidavits returnable to said county court.

Clerk of court; who is.

Section 18. That the circuit clerk of Clarke county shall be ex-officio clerk of the said county court.

Appointment of judge.

Section 19. That it shall be the duty of the governor of Alabama, within thirty days after the passage of this act to appoint a judge of said

Term of office

county court who shall hold office until the general election in November, 1910, and who shall be paid the sum of twelve hundred dollars per annum, payable on the first day of each and every month out of the fine and forfeiture fund of Clarke county upon the certificates of the clerk of said court to the treasurer showing the amount due said judge, which shall be a preferred claim against said fine and forfeiture fund, provided that a judge of said county court shall be elected at the general election in 1910 by the qualified voters of Clarke county, and every four years thereafter; and provided fur-

Salary.

Election and term of office.

ther that said judge and his successor shall be a licensed practicing attorney of Clarke county, and provided further, that the judge of said court and his law partner shall be incompetent and disqualified during his term of office to prosecute or defend criminal cases in any court of said county. ^{Qualifications.} ^{Incompetent to defend criminal cases.}

Section 20. That the fees and other compensation of the sheriff, clerk, jurors and witnesses for services in said court shall be the same as now or hereafter may be provided for by law for similar services in the circuit court of this State. ^{Fees of clerk, sheriff, jurors and witnesses.}

Section 21. That in case of a vacancy in the office of the judge of said court by death, resignation, or otherwise, the same shall be filled as is now, or may hereafter be, by law in similar vacancies in the office of the circuit judges of the State. ^{Vacancy; how filled.}

Section 22. That no person shall be eligible for appointment or election to the office of the judge of said county court until he has resided in Clarke county for twelve months next preceding his appointment or election; provided that the judge of said court shall reside in said county during his continuance in office, and his failure to reside in said county vacates his office, and it is the duty of the clerk of said county court to notify the governor of such failure, who shall supply the vacancy. ^{Persons eligible.}

Section 23. That it shall be the duty of the governor, within thirty days after the passage of this act, to appoint a solicitor to represent the State in the said county court who shall be styled the county solicitor and whose term of office shall extend to the general election in 1910, and until his successor is elected and qualified; provided that his successor shall be elected at said general election in 1910, and every four years thereafter by the qualified voters of Clarke county; provided further, that said county solicitor shall receive for his services prescribed by this act the same fees allowed the circuit so- ^{Appointment of solicitor.} ^{Term of office.} ^{Election of and term of office.} ^{Fees of.}

licitor of the State by law in cases convicted in said county court, not to exceed twelve hundred dollars per annum, which fees shall be paid him by the clerk or sheriff of said county when collected.

Persons eligible.

Section 24. That no person shall be eligible to be appointed or elected county solicitor of said county court until he has resided in Clarke county for twelve months next preceding his appointment or election, and during his continuance in office, and his failure so to reside vacates his office, and it shall be the duty of the clerk of said county court to notify the governor of such failure, who shall supply the vacancy.

Disposition of fees in excess of salary.

Section 25. That all solicitor's fees taxed against defendants in each year over and above \$1,200.00 shall be paid into the county treasury on account of the fine and forfeiture fund of said county, by the sheriff or clerk of said county court, when collected.

Solicitor pro tem.

Section 26. That when the solicitor from any cause is absent, incompetent or disqualified, the judge of said county court shall appoint a solicitor pro tem who shall be governed by the same laws applicable to the circuit solicitor and receive the same fees.

Vacancy; how filled.

Section 27. That in case of a vacancy in the office of county solicitor by death, resignation or other cause the same shall be filled in the same manner as is now or may hereafter be provided for by law for the filling of similar vacancies in the office of the circuit solicitors of this State.

Duty of solicitor.

Section 28. That it shall be the duty of the county solicitor herein provided for, to attend on the grand juries, when investigating misdemeanors, and his duties shall be the same as that of circuit solicitors in connection with the work as now or may hereafter be provided by law, provided that said duties shall relate only to misdemeanors.

Section 29. That neither said solicitor nor his law partner shall be competent to defend criminal cases in any court of Clarke county, during his term of office. Solicitor and partner cannot defend criminal cases.

Section 30. That the provisions of this act shall go into effect immediately after its passage. Effect.

Section 31. That all laws or parts or laws in conflict with this act be and the same are hereby repealed. Repeal.

Approved this 13th day of March, 1907.

No. 213.) AN ACT (H. 96.

To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That all monies now in the hands, or which may hereafter come into the hands of the clerk of the circuit court of Cullman county, Alabama, shall be by him paid out and distributed to the State witnesses entitled thereto, or to the county treasurer, as the case may be, under the general law of the State. Payment of funds provided for.

Section 2. That all laws or parts of laws in conflict herewith be and the same are hereby repealed. Repeal.

Approved March 2, 1907.

No. 215.) AN ACT (H. 483.

To create an additional judge for the tenth judicial circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualification, to render him liable to the pains and penalties of the other judge,

and provide for the salaries of the judges of said circuit; to provide how the judges sitting in said circuit court in Jefferson county may hold court, and to regulate the holding of the circuit court in said county in the Tenth circuit, the establishment of rules of procedure and practice therein and the summoning, empanelling and swearing of jurors to serve in said court in said county, and to secure suitable rooms, furniture and supplies for said court in said county, and the clerk thereof.

Additional
judge created
appointment
of; term of
office.

Section 1. *Be it enacted by the Legislature of Alabama*, That there shall be, and there is hereby authorized and created an additional judge of the tenth judicial circuit of the State of Alabama, who shall be appointed by the governor of Alabama, within ten days after the passage of this act, and who shall hold office until the next general election for any State officer and until his successor shall have been elected and qualified; and thereafter such additional judge shall be elected every six years as other circuit judges are elected in this State.

Election of;
term of office.

Jurisdiction
and powers of.

Section 2. That said additional judge shall have and exercise all the jurisdiction, power, rights, and authority and shall possess all the qualifications, and may perform all the duties, that the other judge of said circuit may exercise, shall possess or may perform, and that he shall be liable to all the pains and penalties of said other judge.

Duties and
penalties.

Where court
held and man-
ner of hold-
ing same.

Section 3. That the judges of the tenth judicial circuit, including said additional judge, and any other judge who may hold court in or preside over a circuit court in Jefferson county, may hold court in and for Jefferson county at Birmingham, at the court house or such other place as may be lawfully provided, at the same time or at different times, and may try cases together or separately at the same time or at different times.

Section 4. That the judges of said circuit court shall have power to make, adopt and publish such rules of procedure for said circuit court of Jefferson county, and rules governing the practice therein, as in their opinion, may be required by a proper system of practice therein having in view the expedition of the trial of causes; and shall have authority to amend the same as may be expedient; such rules to be entered of record upon the minutes of said court; and all rules of practice of said court, as far as applicable, in force when this act takes effect shall remain in full force until altered, amended or repealed by the judges of the circuit court.

Rules of practice.

Section 5. That said circuit court, or either of said judges in Jefferson county, is hereby authorized, when ever from time to time, in its or his judgment, the business of the court in said county requires to order in term time or vacation, the drawing and summoning of a sufficient number of persons to serve as jurors in said court, as in its or his judgment may be necessary to secure jurors sufficient to dispose of the business of the court and to expedite the trial of cases in said court; such order shall designate the number of jurors required and the time when they shall attend the said court, and when such order is made by the court or either of said judges and certified to the board of revenue of Jefferson county by the clerk of said circuit court for said county, said board shall cause to be drawn for said court, for the time designated in said order the number of jurors required by such order in the same manner as is now or may hereafter be provided by law for drawing, summoning and empanelling jurors to serve in circuit courts of this State; and the clerk of said circuit court in said county shall be charged with, and shall perform, the same duties relative to drawing summoning and empanelling jurors in said court in said county as are or may be prescribed by law to be performed by circuit court clerks in this State relative to drawing, summoning

Juries, drawing and summoning of.

Duty of clerk of court.

Special venire; powers of court.

and empannelling jurors to serve in circuit court of this State. The said circuit court in said county, or either judge thereof in said county, shall have the same powers as the circuit court or circuit judges to issue special venires and to summon, swear and empanel tales juries; and all jurors summoned and sworn to serve in said court may be required to serve in cases tried before either judge sitting in said court in said county of Jefferson, as the convenience of the court may dictate or the necessities of its business may require. The venires for jurors in said court in Jefferson county shall be issued and served in the same manner as they are issued and served in and for circuit courts in this State.

Board of revenue to furnish rooms and supplies.

Section 6. That the board of revenue of Jefferson county be, and it is hereby, required to provide and maintain suitable court rooms furniture and supplies for the holding of the courts by the judges thereof, and for the business of said circuit courts in Jefferson county and for the clerk of said court.

Salary of.

Sec. 7. That the salary of the additional judges created by this act, be, and it is hereby fixed at the sum of forty-five hundred dollars and that he shall be paid out of the State treasury the same sum as is now or shall hereafter be authorized by law to be paid to other circuit judges out of the State treasury, and such sum out of the treasury of Jefferson county as will when added to the amount paid out of the State treasury equal to the salary of said judge as fixed by this act.

How paid.

Salary of other judge fixed.

Sec. 8. That the other judge of the tenth judicial circuit shall at the expiration of the term of the present incumbent, receive the same salary as the additional judge created by this act, to be payable from the same sources and in the same way.

Approved March 2, 1907.

No. 217.)

AN ACT

(H. 574.)

To establish a dispensary in and for the town of Clanton in the county of Chilton, State of Alabama, and to provide for the conduct and regulation of the same. Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established in the corporate limits of the town of Clanton in the county of Chilton, in the State of Alabama, a dispensary for the said town of Clanton, to be conducted and carried on by said the town of Clanton in its corporate capacity, for the buying and selling of spirituous, vinous and malt liquors subject to the conditions and restrictions in this act contained. The place at which said business is carried on shall be called a dispensary and said place shall be within the corporate limits of said the town of Clanton. The said the town of Clanton, for the purpose of investing said business shall be and is authorized to invest therein a sum of money not to exceed two thousand dollars, and for the purpose of carrying on said business such sums of money as may be deemed best by the legislative body of said the town of Clanton out of the proceeds arising from said business. The said the town of Clanton shall be and is authorized to contract debts or borrow money for the purpose of investing and carrying on said business as contemplated in this act.

Section 2. Said business shall be conducted by said the town of Clanton through a dispenser and such other officers and agents as it may appoint or select for that purpose. The officer or dispenser for said the town of Clanton is hereby created, and his term of office shall be for one year and until his successor is elected and qualified; provided, that the term of office of the first dispenser elected under this act shall terminate at the end of the term of office of the mayor of said the town of Clanton who shall be

Election of.

in office at the time said first dispenser shall be elected. The dispenser and said other officers and agents shall be elected by the legislative body of the said the town of Clanton. The first dispenser shall be elected as soon as practicable after this act becomes operative.

Qualifications of.

Section 3. Said dispenser and all other officers, agents and persons employed in said dispensary shall be over the age of twenty-one years and shall be esteemed as honest, temperate, law-abiding and competent to conduct the business for which they are employed, and shall be under the direction and control of the legislative body of said The Town of Clanton. The dispenser, under the direction and control of said legislative body, shall manage and carry on said dispensary and purchase and sell the liquors for the same, and said Town of Clanton shall provide the money it wishes him to use in conducting said business. The liquors shall be purchased and sold for

Bought and sold for cash.

cash only, and the purchase and sale of the same except for cash is hereby prohibited.

Oath of dispenser.

Section 4. Before entering upon the duties of his office said dispenser shall make affidavit before an officer authorized to administer oaths that he will obey all the laws of the State of Alabama and the Town of Clanton, relative to the sale, giving away or otherwise disposing of liquors of any kind, and he shall also execute a bond in the sum of Two Thousand Five Hundred Dollars, payable to the Town of Clanton for the honest and faithful discharge of his duties as such dispenser, such bond to be approved by the legislative body of said The Town of Clanton. For neglect of duty, incompetency, misfeasance or malfeasance in office said dispenser may be removed from office, such removal to be made by the legislative body of said The Town of Clanton.

Bond.

Removal.

Vacancy; how filled.

Whenever a vacancy occurs in said office of dispenser the legislative body of the said The Town of Clanton shall elect his successor, who shall hold office for the unexpired term, unless sooner

removed, and until his successor is elected and qualified.

Section 5. The said The Town of Clanton shall ^{Salary of.} pay to its dispenser a salary, which shall be fixed by the legislative body of said The Town of Clanton before said dispenser is elected. Said salary shall not be less than Three Hundred Dollars per annum nor more than Fifteen Hundred Dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the ^{Not to depend on sales.} amount of said salary or that of any of its said officers or agents to depend on the amount of sales that may be made by the dispenser.

Section 6. The dispenser shall not sell or permit the sale of any liquor of any kind in any ^{Amount sold and time in which sold.} quantity less than one-half pint, and he shall not make or permit any sale after six thirty p. m., of one day and before six a. m. of the next day, and said dispensary shall not be kept open or any person admitted therein between the hours of six thirty p. m. and six a. m. following; provided, that the legislative body of the said The Town of Clanton may authorize and provide for the selling of liquor and the closing of said dispensary in the afternoon during the months of April, May, June, July, August and September, between the hours of six thirty p. m. and seven thirty p. m.

Section 7. Said dispenser shall not drink, consume or give away liquor of any kind or in any ^{Drinking, etc., on premises not allowed.} quantity on the premises on which said dispensary is located. Said dispenser shall not permit or suffer any person to drink, consume or give away any liquor of any kind on said premises, but this section shall not be construed so as to prohibit the dispenser or some employe designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the ^{Dispenser to report violations.} marshal of the Town of Clanton any person who violates any of the provisions of this section.

Section 8. Any person who consumes any ^{Penalty for violation.} liquor on said premises, except as permitted in sec-

- tion 7 of this act, shall be fined not less than fifteen nor more than fifty dollars.
- Sold in sealed packages only.** Section 9. Said dispenser shall not sell or permit to be sold any spirituous, vinous or malt liquors, or intoxicating drinks of any kind, that are not contained in sealed packages. He shall not receive or keep any broken packages in said dispensary. If any original packages should be broken the contents shall at once be bottled and the bottle sealed.
- Broken packages sealed.**
- Buy and sell for cash.** Section 10. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of the said The Town of Clanton weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business, in writing or orally, or both, whenever and as often as said legislative body, or any member of said body shall require, and pay into the treasury of said The Town of Clanton the funds received by him from the sale of liquor as may be required by the rules or regulations adopted by said The Town of Clanton. Subject to the provisions of this act the legislative body of the said The Town of Clanton shall regulate and control the management of said dispensary.
- Account of sales.**
- Reports.**
- Unlawful to sell otherwise.** Section 11. No spirituous, vinous, or malt liquors, or intoxicating liquors of any kind, shall be sold in said The Town of Clanton except as herein provided, and any person who violates this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.
- Meaning of term "Legislative body."** Section 12. The term "legislative body" where it appears in this act is intended to include the town whether the same be called the mayor and

law making body of the said The Town of Clanton whether the same be called the mayor and council, the mayor and council of Clanton, or by whatever name it may be called.

Section 13. No doors, gates, windows or other openings with any adjacent houses, so as to permit ingress and egress into and out of such house from and into said dispensary shall be allowed. Gates, etc., connecting, not allowed. Effect.

Section 14. This act shall go into effect immediately upon its approval.

Section 15. For the dispensary operated under the provisions of this act the said The Town of Clanton shall pay annually into the treasury of the State of Alabama, and to the judge of probate of Chilton county, Alabama, for the use of Chilton county, as license taxes, the same amounts of money, respectively that in the year of 1906 would have been required to be paid under the general laws of the State of Alabama by a retail liquor dealer doing business in the said The Town of Clanton, if such retail liquor dealer had been authorized to sell liquor under said general laws of the said State of Alabama or such license taxes as may hereafter be required by law to be paid by dispensaries in this State. License.

Section 16. The officers and agents engaged in said dispensary may be removed or dismissed at the will of the legislative body of said The Town of Clanton, except said dispenser who may be removed by said legislative body for neglect of duty, incompetency, misfeasance or malfeasance in office of which said legislative body shall be the sole judge. Removal of officers, etc.

Section 17. One half of the net profits, arising from the operation of said dispensary, shall be set apart for the use and benefit of the public schools of Chilton county, Alabama, and among other items of expenses, which shall be deducted in order to ascertain what such net profits amount to, then shall be deducted as an item of expense, the salary or pay of one marshal, or policeman, for said The Town of Clanton. The governing body of said The Town of Clanton, Disposition of net profits.

shall on the first day of October in each year, or within thirty days thereafter ascertain what the net profits arising from said dispensary amount to, and shall then cause one-half of said net profits to be paid by the treasurer of said The Town of Clanton to the county superintendent of education of Chilton county, Alabama, said net profits shall be ascertained in October, 1907, for the time said dispensary may have been in operation up to and including September 30th, 1907, and the net profits thereafter shall be ascertained for each subsequent year ending the 30th of September. The county superintendent of education of Chilton county, Alabama, shall cause the money coming into his hands under this section to be appropriated and paid out for the use and benefit of the public schools of the several school districts in said county in the same ratio as the general public schools funds of this State are appropriated and paid out among the said districts. And the rules and regulations under which said general public school funds are appropriated and paid out shall, in so far as they may be applicable, apply to and govern the appropriation and payment of the money accruing to the public schools under this section.

Public school
in Clanton
maintained out
of proceeds.

Section 18. The legislative body of the said The Town of Clanton shall maintain a public school in the said The Town of Clanton out of the proceeds arising from the operation of the said dispensary together with the public school funds which may be appropriated to, or otherwise accrue to the said The Town of Clanton; and such school shall be carried on for not less than eight scholastic months in each scholastic year and shall be free to the children, within the public school age, who reside within the corporate limits of the said The Town of Clanton.

Power of leg-
islative body
as to.

Section 19. The legislative body of said The Town of Clanton shall have power: 1. To ordain or pass all resolutions and ordinances necessary to carry out the provisions and purposes of this act; 2. To ordain or pass resolutions and

ordinances not in conflict with this act for the regulation and control of said dispensary, for the regulation and control of the conduct of said dispenser, and for the regulation and control of the conduct and dealings of all persons having business or other relations with said dispensary or any person or persons having charge of, control of or connection with said dispensary; 3. To ordain or pass resolutions and ordinances providing suitable penalties for the violation of any and all such resolutions and ordinances and for the violation of any of the provisions of this act.

Section 19 1-2. The legislative body of said The Town of Clanton is authorized to insure the liquors and any other property used in connection with said dispensary against loss by fire or otherwise. Authority to insure liquors.

Section 20. The court of county commissioners of Chilton county, Alabama, or any member thereof when selected for that purpose by said court, shall have power and authority to examine the books and accounts of said dispenser, and to examine into the general management of the said dispensary, as often as the said court may deem best. Power of court of county commissioners to examine books, etc.,

Section 21. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal.

Section 22. That on the 3rd Monday in December, 1907, there shall be held in Chilton county, Alabama, an election, at which all qualified electors shall be entitled to vote, for the purpose of ascertaining whether or not said dispensary in said The Town of Clanton shall continue in operation. That the said election shall be carried on and conducted by the judge of probate of Chilton county, Alabama, under the provisions of the general election law, and the results thereof counted and ascertained and declared by the judge of probate, the sheriff and the clerk of the circuit court as is required under the general election law. Election as to continuance of dispensary. How conducted.

Form of ballot.

Section 23. That the form of the ballot, which shall be prepared and printed by the judge of probate, as required in the general election law, to be prepared and printed by him, shall be in form substantially as follows, to-wit: "An Election to be held in Chilton county, Alabama, to determine whether or not the Town of Clanton, in said county, shall continue to operate a dispensary in said town (those favoring the continuance of a dispensary in Clanton, make a cross mark before, "For Dispensary;" those desiring to vote against the continuance of said dispensary, make a cross mark before "Against Dispensary,") ————"For Dispensary" ————"Against Dispensary."

Managers, etc.

Section 24. That the judge of probate, sheriff and clerk of the circuit court shall appoint the managers, inspectors, clerks and other necessary officers to hold said election, as is required under the provisions of the general election law. That said judge of probate, sheriff and clerk of the circuit court, in the appointment of such officers to hold said election, so far as practicable give to those favoring and to those opposing said dispensary, equal representation.

Majority for dispensary.

Section 25. That if a majority of the votes cast at said election shall be "For Dispensary," it shall be lawful for said The Town of Clanton to continue to operate said dispensary under this act, that if a majority of the votes cast in said election shall be "Against Dispensary," said The Town of Clanton shall cease to operate the said dispensary on the first Monday in May, 1908.

Majority against.

General election; law applies.

Section 26. That any provisions necessary for carrying on said election not hereinabove provided for shall be governed by the general election laws. The intent being that said election shall be carried on under the general election law, except as herein otherwise provided.

Approved this 2nd day of March, 1907.

No. 219.)

AN ACT

(H. 726.)

To fix the salary of the judge of the city court of
Montgomery.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage of this act the salary of the judge of the city court of Montgomery shall be thirty-six hundred dollars (3,600.00) per annum payable in monthly installments, and as now or hereafter provided by law.

Salary.

How paid.

Approved March 2, 1907.

No. 220.)

AN ACT.

(H. 278)

To Rearrange the Boundaries of the Town of Oxford, in Calhoun County, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That the corporate limits of the town of Oxford, in Calhoun county, Alabama, shall embrace and include all the territory within the following boundaries, to wit: Beginning at a point on the section line between sections nineteen and thirty in township sixteen, range eight, one-half mile west from the point where said section line is intersected by the electric car line on Main street, near the Bank of Oxford (known as the First National Bank of Oxford) corner; thence running south, turning to the east by a circular line to a point on said section line one-half mile east from the point where said section line is intersected by said electric car line on Main street near the Bank of Oxford (known as the First National Bank of Oxford) corner, forming a semi-circle on the south side of said section line with a radius of one-half a mile; thence from the point on said section line one-half mile east from the place where said section line is intersected by electric car line on Main street near the Bank

Corporate limits of Oxford.

of Oxford (known as the First National Bank of Oxford) corner, north to a point one hundred feet north of the half section line dividing section nineteen east and west; thence west on a line parallel with said half section line one mile; thence south to the point of beginning; and its police jurisdiction shall extend one mile beyond its corporate limits; provided, the police jurisdiction of the town of Oxford shall not extend over any of the territory embraced in the city of Anniston.

Repeal.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved March 2, 1907.

No. 221)

AN ACT

(H. 449)

To change and define the boundary line of Bibb County, Alabama, between said county and the counties of Shelby and Jefferson. Be it enacted by the Legislature of Alabama:

Boundary line between Bibb county and counties of Shelby and Jefferson fixed and established.

Section 1. That the boundary line between Bibb county, Alabama, and the counties of Shelby and Jefferson be and the same is hereby changed, defined, fixed and established as follows: Begin at the northeast corner of the southeast quarter of section twenty, township twenty-four north, range twelve east, this said point of beginning being at the western boundary line of Chilton county, Alabama, and thence run west to the west line of said section twenty; thence run north to the southeast corner of section eighteen in said township and range; thence run west to the southeast corner of section thirteen, township twenty-four, range eleven east; thence north to the northeast corner of the southeast quarter of southeast fourth of said section thirteen; thence west to northwest corner of southeast quarter of southeast quarter of said section 13, thence north to northeast corner of northwest quarter of

southeast quarter of said section thirteen (13), thence run west to the northwest corner of the southwest quarter of said section thirteen; thence run north to the northeast corner of the southeast quarter of section eleven, in said township twenty-four, range eleven east; thence run west to the west boundary line of said section eleven; thence run north to the northeast corner of section three, in said township twenty-four, range eleven east; thence run westerly along the line known as "Freeman's Line," to the southeast corner of fractional section twenty-nine, township twenty-two south, range four west; thence run north to the northeast corner of section five, township twenty-two south, range four west; thence run west to the southeast corner of the southwest quarter of the southeast quarter of section thirty-two, township twenty-one, range four west; thence run north to the northeast corner of the southwest quarter of the southeast quarter of said section thirty-two; thence run west to the east boundary line of section thirty-six, township twenty-one, range five west; thence run north to the northeast corner of the southeast quarter of said section thirty-six; thence run west to the southwest corner of the southwest quarter of the northeast quarter of section thirty-five, township twenty-one, range five west; thence run north to the southwest corner of the northeast quarter of the southeast quarter of section twenty-three, township twenty-one, range five west; thence run east to southeast corner of northeast quarter of southeast quarter of said section twenty-three; thence run north to northeast corner of southeast quarter of section fourteen, township twenty-one, range five west; thence run west to southwest corner of southeast quarter of northeast quarter, of said section fourteen; thence run north to township line between township twenty-one and township twenty, range five west; and thence run west along said township line to the Tuscaloosa county line, that is to the line between Tuscaloosa and

Lands made
part of Bibb
county.

Bibb counties where it crosses said township line.

Section 2. That all territory and lands south or west of said above described line, or on the opposite side thereof from the counties of Shelby and Jefferson, and within the boundaries of Bibb county be and are hereby made a part of the county of Bibb.

Repeal.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 2, 1907.

No. 222.)

AN ACT.

(H. 748

To prohibit the sale, barter, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating drinks, bitters or beverages, in Franklin County, Alabama.

Sale etc.,
of liquors pro-
hibited.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, it shall be unlawful to sell, barter, give away, or otherwise dispose of spirituous, vinous or malt liquors, intoxicating drinks, bitters or beverages in Franklin county, Alabama.

Penalty for
violation.

Section 2. That any one convicted of a violation of this act, shall be punished by fine to be assessed by the jury of not less than one hundred dollars nor more than five hundred dollars, payable in money, and as an additional punishment, may be sentenced to hard labor for Franklin county, for not longer than six months, at the discretion of the court trying said case.

Repeal.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved March 2, 1907.

No. 223)

AN ACT

(H. 545)

To repeal "An Act authorizing the transfer of any civil cause pending in the city court of Bessemer in the county of Jefferson in the State of Alabama, to the circuit court of Jefferson county in said State, or to the city court of Birmingham, in said State, or to any other court of competent jurisdiction, sitting in the city of Birmingham," approved September 26th, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled "An act authorizing the transfer of any civil cause pending in the city court of Bessemer in the county of Jefferson, in the State of Alabama, to the circuit court of Jefferson county, in said State, or to the city court of Birmingham, in said State, or to any other court of competent jurisdiction, sitting in the city of Birmingham," approved September 26th, 1903, be and the same is hereby repealed.

Approved March 2nd, 1907.

No. 224)

AN ACT

(H. 546)

Authorizing the transfer of any civil cause now pending in the circuit court of Jefferson county, in the state of Alabama, in the city court of Birmingham, in said State, or in the chancery court of said county back to the city court of Bessemer in said county, in all cases where the cause has been removed from said city court of Bessemer to said circuit, city or chancery court by and at the instance of the defendant.

Section 1. Be it enacted by the Legislature of Alabama, That either the plaintiff or plaintiffs, or either of them, in any civil cause, either at law or in equity, now pending in the circuit court of

Causes; transfer of authorized.

Jefferson county, in the State of Alabama, in the city court of Birmingham, or in the chancery court of said county, may in all cases where the cause has heretofore been removed by and at the instance of the defendant from the city court of Bessemer to either of said courts, at any time within sixty days after the approval of this act, have such cause removed back to said city court of Bessemer in said county for trial, by complying with the provisions of this act.

How transfer
had.

Section 2. That in order for any party to be entitled under this act or the provisions hereof to remove any cause authorized to be removed under this act from the said circuit court of Jefferson county, the city court of Birmingham, or the chancery court of said county as herein provided, he or they as the case may be, shall file in the said circuit court, city court or chancery court, a petition addressed to the judge or judges thereof or chancellor, signed by himself, itself, themselves or their attorney, stating the desire of the plaintiff or plaintiffs to have the cause so removed; and upon the filing of said petition the said circuit court of Jefferson county, city court of Birmingham, in said county, or the chancery court of said county, in which the cause is pending, shall cease to have any other or further jurisdiction over said cause and shall forthwith enter an order removing said cause back to the said city court of Bessemer in said county for trial, and shall direct the clerk, clerk and register, or register as the case may be, to deliver to the clerk and register of said city court of Bessemer to which the cause is directed to be removed the books and papers hereinafter directed to be delivered by him to the clerk and register of said court to which the cause is removed.

Original papers, etc., delivered to clerk and register of city court of Bessemer.

Section 3. That upon the filing of said petition the clerk, clerk and register, or the register of either said circuit court, city court of Birmingham, or Chancery court, as the case may be, shall forthwith deliver to the clerk and register of said city court of Bessemer to which the cause

is removed the original papers in said cause, and all papers that may have been filed in said circuit, city or chancery court, and also a certified copy of all docket entries and minute entries in the said circuit court, city court of Birmingham, or chancery court of the county as the case may be pertaining to said cause, including the entries on the subpoena dockets pertaining to the cause.

Section 4. That the said city court of Bessemer to which said cause is removed, as herein provided, shall have full power and authority to require the delivery by the clerk, clerk and register, or register of said circuit court, city court of Birmingham or Chancery court, as the case may be, to the clerk and register of said city court of Bessemer to which said cause is removed all the papers and copies hereinabove directed to be made by the clerk, clerk and register, or register of said circuit court, clerk and register of said city court of Birmingham, or the register of said circuit court to the clerk and register of said city court of Bessemer to which said cause is removed; and further to enforce in all respects the removal of said cause.

Power to require delivery of.

Section 5. That upon the removal of any such cause back to the city court of Bessemer, it shall be reinvested with the same power, jurisdiction and authority as if said cause had never been removed to said circuit court, city court of Birmingham, or chancery court of said county; and the clerk and register of said city court of Bessemer shall also be vested with the same power and authority in respect thereto as if said cause had never been removed away to the said courts or either of them; and he shall tax up all the costs created in said cause while in said court from which it was removed under this act as a part of the costs in the case.

Power, etc., of city court.

Costs taxed.

Approved March 2, 1907.

No. 226.)

AN ACT

(H. 717.

To require the sheriff of Hale county to procure from the office of the United States Internal Revenue Collector for the State of Alabama, a list of the persons, firms or corporations in Hale county to whom a license has been issued for the sale of spirituous, vinous, or malt liquors, and to publish same in some newspaper published in said county.

Sheriff required to procure list.

Section 1. Be it enacted by the Legislature of Alabama, That the sheriff of Hale county shall, between the 1st and 15th day of January and July of each year, procure from the office of the United States Internal Revenue Collector for the State of Alabama, the name and place of business of each person, firm or corporation to whom a United States license has been issued to sell spirituous, vinous or malt liquors in the county of Hale during the preceding twelve months, and shall immediately thereafter cause to be published for three weeks in some newspaper published in said county the name and place of business of each of said persons, firms or corporations.

Publish same in newspaper.

Compensation of sheriff.

Sec. 2. That for said services the sheriff shall receive twenty-five dollars per annum, and the expenses and cost of obtaining said list to be paid out of the general fund of the county of Hale, and the cost of publishing said list shall be paid out of the general fund of said county.

Pay for publishing.

Penalty for failure of sheriff to procure list.

Sec. 3. That if the sheriff of said county of Hale fail or refuse to comply with the provisions of this act he shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding \$500.00, and may be sentenced to hard labor for the county for not exceeding six months.

Approved March 5, 1907.

No. 227.)

AN ACT

(H. 708.)

To authorize the court of county commissioners of Walker county, Alabama, to borrow money and pay interest thereon.

Section 1. Be it enacted by the Legislature of Alabama, that the court of county commissioners of Walker county, Alabama, be and the same is here authorized to borrow money and pay interest thereon, and for such purpose to execute promissory notes, or issue interest bearing warrants for and in the name of said county, the sum so borrowed to be a part of the fund for which was borrowed and, with the interest, to be paid thereon. Provided, the sum borrowed under and by virtue of the authority contained herein shall not in any one year exceed fifty thousand dollars. Authorized to borrow money and pay interest on same. Amount borrowed.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Repeal.

Approved March 5, 1907.

No. 228.)

AN ACT

(H. 538.)

To provide for the election of four commissioners of Fayette county, Alabama, by the qualified electors of said county.

Section 1. Be it enacted by the Legislature of Alabama, That at the general election 1908, and every four years thereafter, the qualified electors of Fayette county shall elect one commissioner from each of the respective second and fourth districts, who shall be bona fide residents of each of said districts, whose term of office shall be for four years. Election 2nd and 4th districts. Term of office.

Section 2. That at the general election in 1910 and every four years thereafter the qualified electors of Fayette county, Alabama, shall elect one Election 1st and 3rd districts.

commissioner from each of the respective first and third districts who shall be bona fide residents of each of said districts and whose term of office shall be for four years.

Section 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved March 5, 1907.

No. 229)

AN ACT

(H. 667

For the relief of Mary A. Pope, widow of an ex-Confederate soldier, being a resident of Marion county, Alabama. Whereas, Mary A. Pope, has long been on the pension rolls for Marion county, Alabama, but for the year 1906, her name was dropped from said roll through mistake:

Section 1. Be it enacted by the Legislature of Alabama, That the state auditor be and he is hereby required to draw his warrant on the treasury of Alabama for \$30.00 for said pensioner for the year 1906 to be paid out of any balance in the pension fund of the state by the treasurer thereof.

Section 2. That the probate judge of Marion county, Alabama, and the other pension officers are hereby required to restore the name of said pensioner to the pension rolls.

Approved March 5, 1907.

No. 230)

AN ACT

(H. 688

To create the office of County Solicitor for Madison county, and to prescribe his duties and powers, and to fix his compensation or salary, and to provide for his appointment and election. Be it enacted by the Legislature of Alabama:

1. The office of solicitor for Madison county is hereby created. Office created.

2. The governor shall appoint such solicitor to hold office until the general election in 1910 and until his successor is elected or appointed and qualified. The term of the solicitor shall be four years, and until his successor is elected or appointed and qualified; and a solicitor shall be elected at the general election in 1910, and every four years thereafter, except as herein otherwise provided. The solicitor shall take and file the oath of office required of circuit solicitors. Vacancies in the office of solicitor shall be filled by appointment of the governor, the appointee to hold office until the next general election for circuit solicitors, and until his successor is elected or appointed and qualified, at which election a solicitor shall be elected to hold office for four years, and until his successor is elected or appointed and qualified. He shall be a resident of the county of Madison at the time of his election and during his continuance in office. Appointment and term of office of solicitor. Election. Oath. Vacancy; how filled. Qualifications.

3. He shall attend upon the terms of the law and equity court of Madison county, and shall prosecute all criminal causes pending therein; he shall attend, on being notified, upon the prosecution of all accusations of misdemeanor before justices of the peace and notaries public having the powers and jurisdiction of justices in said county; he shall attend all preliminary examinations of persons charged with crime in said county, upon being notified of the time and place of the examination; he shall also attend upon all sessions of the grand jury. He shall also attend upon all courts in said county wherein criminal business is transacted. For all convictions obtained by him in said law and equity court, or in any other court in said county wherein criminal business is transacted or before justices of the peace or notaries public having the powers and jurisdiction of justices, he shall be entitled to the fees allowed by law to circuit solicitors for like convictions. He shall be allowed to retain Duties.

Compensation.

Penalty for failure to pay over balance.

Statement under oath.

Special solicitor.

Compensation.

Pains and penalties liable to.

Assistant or Deputy solicitor.

such fees until the same shall aggregate eighteen hundred dollars, which shall be the amount of his salary or compensation for the year; the balance of such fees shall be paid into the county treasury as a part of the general fund; and if he fails to pay such balance into the county treasury at the end of each year of his term, he is guilty of a misdemeanor, and upon conviction must be fined not less than ten nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

4. At the end of each year of his service, such solicitor must make to the county treasurer an itemized statement, under oath, showing the fees collected by him during the preceding year; and if he fails to do so, the treasurer must report the fact to judge of said law and equity court, whereupon a conditional judgment must be rendered against him for one hundred dollars in favor of the county, to be made absolute after notice to the solicitor, unless a good excuse is rendered.

5. When the solicitor is absent or is connected with the party against whom it is his duty to appear, by consanguinity or affinity within the fourth degree, or when there is a vacancy in the office from any cause, or the solicitor refuses to act, the judge must appoint a competent attorney to act as solicitor, who shall be entitled to ten dollars per day while he so acts, to be paid out of the county treasury upon the warrant of the judge upon the treasurer.

6. Such solicitor shall be liable to all pains and penalties of circuit solicitors in connection with discharge of his duties, and all rules and laws governing circuit solicitors shall so far as practicable apply to such county solicitor; unless in conflict with the provisions of this act. He shall discharge all duties required of circuit solicitors, so far as practicable, and not contrary to any provision hereof.

7. The solicitor may appoint an assistant or deputy to represent him in all courts and before

the grand jury, to hold office during the term of the solicitor appointing him, and removable at his pleasure; who shall receive only such compensation as the solicitor shall see fit to make him.

8. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved this 2nd day of March, 1907.

No. 231)

AN ACT

(H. 792)

To fix and provide for the salaries of the judges of the city court of Birmingham.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage and approval of this act, the judges of the city court of Birmingham shall each receive as a salary the sum of four thousand five hundred dollars per annum. Of this sum there shall be paid from the treasury of the state to each of said judges the same amount as may be paid to judges of the circuit courts of the state, at the same time and in the same manner as circuit judges' are paid; the balance of said salaries shall be paid out of the county treasury of Jefferson county at the same time and in the same manner as the judges of said county are now paid.

Approved March 5, 1907.

No. 233)

AN ACT

(H. 712)

To fix and provide for the salaries of the judges of the criminal court of Jefferson county.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage and approval of this act, the judges of the criminal

How paid.

court of Jefferson county shall each receive as a salary the sum of four thousand five hundred dollars per annum. Of this sum there shall be paid from the treasury of the State to each of said judges the same amount as may be paid to judges of the circuit courts of the state at the same time and in the same manner as circuit judges are paid; the balance of said salaries shall be paid out of the county treasury of Jefferson county at the same times and in the same manner as the judges of said court are now paid.

Approved March 5, 1907.

No. 236)

AN ACT

(H. 718

For the relief of the dispensary of the town of Gordon, Houston county, Alabama; whereas, the dispensary in the town of Gordon, Houston county, Alabama, did pay to the State of Alabama, \$250.00 for the year 1906, as a license to sell spirituous, vinous and malt liquors in said town, and whereas, the law under which said dispensary was run was held and declared unconstitutional by the circuit court of Houston county, Alabama, after the taking out and paying for said license, and prior to the 20th day of January, 1906, and the commissioners who were running and operating said dispensary were ousted by said court, and ordered to desist by said court from further running or operating of said dispensary; and said commissioners in obedience to said order, ceased to run said dispensary any longer, or to sell spirituous, vinous or malt liquors under the said license any longer; therefore,

Auditor to
draw war-
rant.

Section 1. Be it enacted by the Legislature of Alabama, That the auditor is hereby authorized and directed to draw his warrant on the State treasurer, payable to W. E. McEachern, treasur-

er of the dispensary in the town of Gordon, Houston county, Alabama, for the sum of \$235.

Section 2. That the sum of two hundred and thirty-five dollars is hereby appropriated out of any funds belonging to the state, not otherwise appropriated, for the payment of same warrant.

Approved March 5, 1907.

No. 238)

AN ACT

(H. 731

To detach and take a portion of the territory of Conecuh county and attach and add the same to Escambia county. Be it enacted by the Legislature of Alabama:

Section 1. That entire fractional sections nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty (30), in township six (6), north of range twenty-five (25), west of Tallahassee Principal Meridian; entire fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty (30), in township six (6), north of range twenty-six (26) west of Tallahassee Principal Meridian; entire fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty in township six (6) north of range twenty-seven (27) west of Tallahassee Principal Meridian, and entire fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty (30), in township six (6), north of range twenty-eight (28) west of Tallahassee Principal Meridian, be and the same are hereby detached and taken from the county of Conecuh and attached and added to the county of Escambia.

Taxes; how
paid.

Section 2. That all taxes due or to become due for the year 1906, and all subsequent years, by the citizens of the above described territory must be paid to the tax collector of Escambia county.

Repeal.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 5, 1907.

No. 239)

AN ACT

(H. 460

Act repealed.

To repeal an act, approved December 6th, 1900, entitled an act to make all fines and forfeitures in Dale county, Alabama, payable only in lawful money of the United States. Be it enacted by the Legislature of Alabama, That an act entitled an act to make all fines and forfeitures in Dale county, Alabama, payable only in lawful money of the United States approved December 6th, 1900, be and the same is hereby repealed.

Approved March 5, 1907.

No. 240.)

AN ACT

(H. 114

Sale, etc.,
prohibited.

To prohibit the sale, barter or exchange of vinous, spirituous or malt liquors or intoxicating bitters or beverages, at any place in the county of Etowah, except within the corporate limits of the cities of Gadsden and Attalla.

Section 1. Be it enacted by the Legislature of Alabama, That after the passage of this act, or as soon thereafter as same shall have been ratified by a majority vote of the qualified electors of Etowah county at some special election to be held for such purpose, or at some general election to follow its approval by the governor, it shall be

unlawful for any person to sell, barter or exchange vinous, spirituous or malt liquors or intoxicating bitters or beverages, at any place in the county of Etowah, except within the corporate limits of the cities of Gadsden and Attalla.

Section 2. That any person who shall violate the provisions of section 1 of this act shall, upon conviction be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months, and the solicitor's fee for a conviction under this act shall be thirty dollars.

Approved March 5, 1907.

No. 241)

AN ACT

(H 670

To provide for and regulate the working of the public roads in Lee county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Lee county, Alabama, shall at the first of general or special term of said court after the passage of this act, or as soon thereafter as practicable, appoint four road foremen for said county, one for each commissioners district, whose term of office shall begin with the date of qualification, and shall continue for such term as said court of county commissioners shall determine.

Section 2. The said foreman shall, before entering upon the duties of said office, qualify by taking and filing the statutory oath of office, and giving bond for the faithful performance of the duties of said office, payable to Lee county, Alabama, in such sum as may be prescribed by said court, not less than one thousand dollars with sureties thereon to be approved by the judge of probate of said county, which oath and bond shall be recorded as other official bonds are required to be recorded in the office of the judge of probate.

Salary of.

Section 3. That said road foreman shall receive a salary to be determined by the court of county commissioners, not to exceed six hundred dollars per annum to be determined by the court of county commissioners before they enter upon the duties of their office, to be paid to them in equal monthly installments, by a warrant to be drawn by the judge of probate on the road fund in the county treasury.

Control of roads as to working, etc.

Section 4. That said road foreman shall have control and supervision of the public roads of their respective districts, as to the manner of working, repairing and maintaining the same under the direct control and supervision of the commissioners court.

Reports of.

Section 5. That it shall be the duty of each foreman to make quarterly reports, under oath, to the commissioners of any and all monies received by him from hands in commutation of labor, the name of the person from whom received, and when paid, and shall pay over the same to the county treasurer, taking his receipt for the same to be credited by him to the road fund of the county. Any road foreman appropriating to his own use or failing to turn over, quarterly, any money paid to him in commutation of labor by a road hand as herein set forth, shall be guilty of embezzlement, and, on conviction, may be punished as provided in section 4646 of the Criminal Code of 1896.

Penalty for misappropriation of funds.

Removal of foremen.

Section 6. The court of county commissioners of Lee county, Alabama, shall have the power to discharge said foreman at any time, if said foremen are neglecting their duties, or if in the opinion of said court of county commissioners they are incompetent to discharge their duties properly, and whenever they are so discharged, they shall only receive that portion of their salary which is due them for the time actually served, and shall not receive any salary for the unexpired term of their employment.

Section 7. That all male inhabitants of Lee county, Alabama, between the ages of eighteen and fifty years and not exempted from road duties under the general laws of this state, shall be required to work upon the public roads of said county for ten days in each year, ten hours of faithful work each day, under the orders of the road foreman, or shall pay the sum of three dollars annually. Provided, the provisions of this section shall not apply to any person living within the corporate limits of any city or town in said county.

Section 8. That it shall be the duty of said road foreman to warn all hands, in person or by substitute, by giving one day's notice, or by written notice, left at the place of their residence, stating to the hands on what road and at what point on the road the hands shall report for service; but no hand shall be required to work more than five days in one month, and no hand shall be required to go more than six miles from his residence in working the public roads.

Section 9. That the road foreman shall warn all hands as prescribed in section eight of this act, and any person so warned who fails or refuses to work on said public road as prescribed by this act, without legal cause or good excuse, shall be guilty of a misdemeanor, and, upon conviction, may be fined not less than ten nor more than fifty dollars, and it shall be the duty of said road foreman to proceed against any such defaulter before any court in Lee county, having jurisdiction of misdemeanors, at once.

Section 10. Should any hand, after reporting for duty on any road fail or refuse to work properly, said road foreman shall have the power to discharge said hand from the road and said failure or refusal to work shall make said hand guilty of a misdemeanor, and, upon conviction, he may be fined not less than ten nor more than fifty dollars, and it shall be the duty of said road foreman to proceed against any such hand before any court in Lee county, having jurisdiction of misdemeanors, at once.

Disposition
of fines col-
lected.

Section 11. All fines collected under the provisions of sections nine and ten of this act, shall go to the road fund of said county, provided that any road foreman who fails or refuses to return such road defaulter or hand failing or refusing to work, shall be guilty of a misdemeanor, and, upon conviction, be fined not more than fifty dollars.

Fines; how
paid.

Section 12. All fines imposed upon road defaulters, or hands failing or refusing to work, shall be paid in lawful money of the United States, and when collected shall be paid by the judge of said court before whom said defaulters or hands, failing or refusing to work, are tried, to the road foremen of the district from which said defaulter or hand, failing or refusing to work, comes. And said money shall be paid by said foreman to the county treasurer to be credited by him to the road fund, and shall in no event be retained or otherwise appropriated by said judge trying said cases.

Removal to
another pre-
cinct, credit
given for time
already work-
ed.

Section 13. When a road hand, listed to an overseer or road foreman, who has performed part of his road service, moves to another precinct, it shall be the duty of the overseer to furnish on demand a written certificate, showing the time he has served during the calendar year, or the amount of money he has paid in lieu of his service, which certificate shall be an exemption to such hand to the extent of time worked or paid for in any other precinct of the county to which he may move.

Foremen un-
der contract
of county com-
missioners.

Section 14. That the road foreman shall be under the control and direction of the court of county commissioners of said county who shall require them to devote their entire time to the public roads of the county and they shall be furnished with all the necessary stationery and blanks to be paid for out of the road fund and such road foremen shall keep such books, list and accounts so as to show all transactions pertaining to the duties of their offices.

Section 15. That the court of county commissioners of said county shall have the authority to purchase and maintain such teams, implements, machinery, tools and materials as may be deemed necessary and proper in working, repairing, making and maintaining the public roads of said county, and shall be authorized to purchase rights of way for new roads or changes of roads, to contract for grading, filling and macadamizing any part or parts of any public road, or to employ person to do such work under such agent as it may appoint and to pay the same out of the road funds.

Purchase of teams, implements, etc.
Rights of way for roads.

Section 16. That the road fund provided for by this act shall be dispersed upon the order of the court of county commissioners as provided by this act.

Road fund; how disbursed.

Section 17. That it shall be unlawful for any person not a road hand in performance of duty to plow or dig in, or across or into any public road in said county, or to obstruct the roads or ditches on either side of said road, either by plowing in or across said ditches or by placing therein stones, brush, logs or other obstructions of any kind whatsoever. And any person who shall violate this section of this act shall be punished by a fine not to exceed one hundred dollars, or imprisonment in the county jail for not exceeding six months, one or both, in the discretion of the court.

Unlawful to obstruct roads, etc.

Section 18. That the road foreman shall immediately after the first day of January of each year, make a thorough and complete canvass of his district, taking down the names of all male residents of the district over the age of eighteen years and under the age of fifty years, entering the same in a book to be kept by him for that purpose, and placing opposite the names so enrolled the name and location of the farm on which he resides, or the location of the house in which he dwells and the name of the public road nearest his dwelling place.

Canvass of district by road foreman.

Receipt given
for tools, etc.

Section 19. That said foremen appointed or employed under this act shall be by said court of county commissioners required to receipt to the judge of probate in said Lee county, Alabama, for the different tools, implements, machines, or other property belonging to the said county that may come into his possession, and he shall be required to preserve and take good care of all tools, implements, road machines and other property, of said county that may come into his possession, and to turn the same to the judge of probate thereof, in good condition, reasonable wear and tear excepted, at the expiration of his service.

Care of same.

Authority to
borrow money.

Section 20. That the court of county commissioners shall have the authority to borrow money not to exceed the estimated amount of revenue to be derived from the road fund in any one year, to carry this act into effect, which alone shall be a charge against the road fund of said county.

Repeal.

Section 21. That all laws and parts of laws, general or special, in conflict with this act, be and the same are hereby repealed.

Approved March 5, 1907.

No. 242.)

AN ACT

(H. 727.)

To provide for the appointment of an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.

Official ste-
nographer.

Section 1. Be it enacted by the Legislature of Alabama, That the judges of the city court of Montgomery and the solicitor of Montgomery county are required to appoint a competent short hand writer to perform the duties of official stenographer in the city court of Montgomery who shall be a man of good moral character and has been a resident of Montgomery county for two years, who is able to take short hand notes at the rate of one hundred and fifty words per minute

Qualifica-
tions.

for five consecutive minutes and correctly read or transcribe the same. Said official stenographer shall be an officer of the court and shall hold office for four years from date of his appointment or until his successor qualifies; provided, however, that the judge of said court shall, at any time, have power to remove said official stenographer upon proper charges entered of record, for incompetency or misconduct in office, specifying such misconduct, and giving such stenographer an opportunity of being heard.

Section 2. That the judges of said city court of Montgomery, together with the solicitor of Montgomery county, are hereby constituted a "board of examiners" to determine the competency of applicants for the position of official stenographer; said board is required to meet at once after the passage of this act and examine all applicants who may present themselves, to ascertain and determine whether such applicants, or any of them, have the qualifications required by section 1 of this act, and any applicant found to possess the necessary qualifications, shall be furnished a certificate in writing signed by the board, to the effect that they are fully qualified under section 1 of this act to perform the duties of official stenographer, and no person shall be eligible to appointment who does not possess such certificate.

Section 3. It shall be the duty of the official stenographer to attend the sessions of the court in person, or by an assistant who shall be appointed by the official stenographer with the advice and consent of the board of examiners, and take full stenographic notes of the oral evidence and proceedings, except arguments of counsel, in every case in such court as the judge thereof shall direct or any party thereto may request with the approval of the judge, to be reported and must also note the order in which all written or documentary evidence is introduced, all objections and rulings of the court thereon, and exceptions which

Fee per 100
words.

Criminal cases
transcript free.

Certify to
notes.

Annual salary.

may be reserved thereto. The original notes taken by said official stenographer shall be filed in such place as the court may direct and shall be treated and preserved as a part of the records of said court. Said official stenographer shall furnish to any party to the cause demanding the same a typewritten transcript of his notes, or any part thereof, upon the payment, or security to him, of a transcript fee of fifteen cents for each one hundred words thereof, and where more than one copy is demanded to be made at the same time with the original copy a fee of five cents for each one hundred words for each additional copy; provided, that nothing herein contained shall preclude said official stenographer from entering into a special agreement to furnish reports of proceedings within twenty-four hours under special agreement therefor.

Said official stenographer is hereby required to furnish transcripts in all criminal cases for purpose of appeal to the supreme court of Alabama, free of charge, within the time prescribed by law, or the order of the court, and he shall also in civil cases, if the court ascertain and determine that any party to a cause is financially unable to pay the costs of such transcript, be required to furnish one typewritten copy of such transcript to be filed with the clerk of said city court of Montgomery, free of charge.

Section 4. That said official stenographer shall certify the transcript of his original notes over his signature, and when so certified such transcript shall be prima facie evidence of the proceedings in said cause, and said official stenographer must file such official transcript within thirty days after written demand is made therefor unless such time is extended by the court for good cause.

Section 5. Said official stenographer shall receive an annual salary of fifteen hundred dollars, payable in monthly installments by the board of revenue of Montgomery county.

Section 6. Said official stenographer may employ competent assistance, and each such assistant so employed must possess the same certificate required of the official stenographer from the board of examiners, and a certified transcript in a cause made by such assistant shall be taken and considered in all things and have the same force and effect as if the same were made by the official stenographer. An assistant may be employed only when the official stenographer is engaged in the performance of his duties in said court and the service of a stenographer elsewhere in the business of said court may be ascertained by the judge to be necessary and said judge shall so direct and shall be compensated by the payment to such assistant of five dollars per diem for the number of days actually engaged in attendance on sessions of the court, which compensation shall be paid on the last day of each month in which the services were rendered on certificate from the judge or judges of said court certifying the number of days so employed in said month, and the amount due for such services, which certificate shall become immediately payable on presentation to the board of revenue of Montgomery county.

Section 7. That such official stenographer and assistants appointed by him under the provisions of this act, shall take an oath before entering upon the discharge of their duties as such, before some officer authorized by law to administer oaths, that he and each of them will faithfully discharge all of the duties prescribed in this act, which said oath shall be filed and recorded by the judge of probate of Montgomery county, Alabama.

Section 8. That such official stenographer or any assistant duly and legally appointed by him under the provisions of this act, shall be authorized to attend any of the sessions of the grand jury organized in the city court of Montgomery whenever a request to said official stenographer is made for such attendance by either

the foreman of the grand jury or the solicitor of said county, and to take notes and transcribe the same in any case or upon any matter under investigation by such grand jury whenever requested by the foreman of such grand jury or the solicitor for said county; the presence of such stenographer or his assistant, as the case may be shall not in any wise invalidate any indictment returned into court by any grand jury, and said stenographer shall be sworn to keep secret everything coming to his knowledge by reason of his presence in the grand jury room or by reason of his office.

Fee taxed in
civil cases.

Section 9. That all civil cases reported by such official stenographer, or any assistant appointed by him under the provisions of this act, there shall be taxed as a part of the costs in such cases a fee of three dollars, which shall be collected as other costs in the cases, and when collected shall be paid into the treasury of said county; and in all criminal cases reported by such official stenographer or any assistant appointed by him under the provisions of this act, there shall be taxed as a part of the costs in such cases a fee of five dollars which shall be collected in the same manner as other costs are collected in criminal cases, and when collected shall be paid over by the clerk of the said court into the treasury of said county.

In criminal
cases.

Approved March 5, 1907.

No. 252.)

AN ACT

(H. 238.)

To authorize the commissioners' court of Baldwin county to surrender and convey the county buildings and grounds at Daphne to the trustees of a normal school to be established in said county.

Surrender,
etc., author-
ized.

Section 1. Be it enacted by the legislature of Alabama, That the court of commissioners of Baldwin county are hereby authorized and em-

powered to surrender and convey to such board of trustees and directors of a State normal school as may by law be created for the purpose of conducting a normal school at Daphne, the county buildings at Daphne, consisting of the former court house and other property, and the lot of land on and within which the same stand constituting the curtilage of the same, for use and to be employed in the establishment and conduct of a normal school under the laws of Alabama.

Approved March 5, 1907.

No. 253.)

AN ACT

(H. 709.

To authorize the town of Haleysville, in Winston county, to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors within its corporate limits, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors within said town. Be it enacted by the legislature of Alabama:

Section 1. That the town of Haleysville, in Winston county, shall have authority to establish and carry on in its corporate name, in its corporate capacity and through its legislative body, the business of buying and selling spirituous, vinous and malt liquors subject to the restrictions and conditions hereinafter mentioned. The place at which said business shall be carried on shall be called a dispensary. The dispensary shall be conducted only within the corporate limits of said town. Said municipality shall invest in said business a sum of money not less than three hundred dollars, nor more than fifteen hundred dollars. The liquors bought and sold as herein provided shall be of the purest and best quality.

Dispensary authorized.
Amount invested.

Dispenser,
election, term
of office.

Section 2. The office of dispenser is hereby created. The first dispenser shall be elected within ninety days from the passage of this act, and shall continue in office until the first day of January, 1908. The term of his successor in office shall be one year. Each dispenser shall hold office until his successor is elected and qualified, and shall reside in said county and within two miles of the corporate limits of said town at the time of his nomination and election.

How dispenser
elected.

Section 3. For the purpose of aiding in the selection of a dispenser as hereinafter prescribed the judge of the judicial circuit of the State, in which circuit said town is or may be situated, shall furnish the mayor and chief executive of said town the names of three competent men, each of whom shall have their place of residence as above provided, shall be twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding and in every respect competent to carry on the business of a dispenser of said town. One such list said judge shall furnish within ninety days from the date of the passage of this act, and one within thirty prior to Dec. 30th, 1907, and one within the same time every year thereafter. Within ninety days from the date of the passage of this act, the legislative body of said town shall, from the persons nominated by the circuit judge, elect a dispenser and likewise before the first day of each succeeding term of office a dispenser shall be elected for said term. Each dispenser under the control and direction of said town, shall buy and sell liquors and carry on the business of the dispensary for the term for which he is elected and until his successor is elected and qualified. Said town shall furnish its dispenser such sum of money, within the limits aforesaid, that it wishes to use in conducting the business. Before entering upon the duties of his office the dispenser shall make oath or affirmation before an officer authorized to administer oaths that he will obey all the laws of the State of Alabama, and of said town, relative to

Oath.

the sale, giving away, or delivery of liquors of any kind. He shall also before beginning business execute to the town a bond, in the sum of one thousand dollars, conditioned for the faithful and honest discharge of his duties as such dispenser. Such bond shall have at least two good and sufficient sureties and shall be approved by the mayor or other chief executive of said town. For neglect of business, incompetency, misfeasance or malfeasance in office, intemperance or other good cause such dispenser may be removed from office by the legislative body of said town. Whenever a vacancy in said office occurs from any cause whatsoever, the mayor or chief executive of said town shall immediately certify that fact to the circuit judge who shall immediately furnish a list of names of men, as above provided from which the legislative body shall elect a dispenser to fill the vacancy. ^{Bond.} ^{Removal.} ^{Vacancy, how filled.}

Section 4. The legislative or governing body of said town shall pay to such dispenser a salary to be fixed by said body of said town before the dispenser is elected. Said salary shall not be less than thirty-five dollars per month nor more than seventy-five dollars per month. Said legislative body shall not make or permit the amount of said salary to depend upon the amount of sales that may be made by its dispenser. ^{Salary of.}

Section 5. The dispenser shall not sell any liquor of any kind in quantities less than one-half pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hour of 6 p. m. of one day and 6 a. m. of the next day. ^{Quantity sold.} ^{Hours for sale.}

Section 6. Said dispenser shall not sell to any person of known intemperate habits. He shall not himself drink, consume or give away any liquor of any kind, or of any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give ^{Drinking on premises not allowed.}

Report to
grand jury
violators.

away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser or some employee designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury whom he believes to be guilty of violating the provisions of this act.

Penalty.

Section 7. Any person who drinks or consumes or in any manner disposes of any liquor on said premises, except as permitted in section six (6) of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than fifteen, nor more than one hundred dollars.

Sold only in
sealed pack-
ages.

Section 8. The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind whatever that are not contained in sealed packages. He shall not receive or keep any broken packages in his dispensary. If any original packages should be broken the contents shall be bottled and the bottles sealed.

Broken pack-
ages sealed.

Buy and sell
for cash.

Section 9. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each days sales. He shall make to the legislative body of the town and the judge of probate of said county weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses, and status of the business. He shall make other and additional reports oral or in writing whenever and as often as the legislative body of said town or member of said body may require, or as the probate judge or court of county commissioners or any member of said court may require. Subject to the provisions of this act, such legislative body of said town shall regulate and control the conduct and management of said business.

Reports.

Disposition of
net profits.

Section 10. On the 1st day of January of each year said town shall pay into the county treasury one-third of the net profits of such dis-

pensary after deducting all the expenses of operating; provided, that the capital invested in said business shall first be refunded. The treasurer of said county of Winston shall keep said funds separate and apart from all other county funds and the same shall be paid to the county superintendent of education of said county, and by him applied to the district schools in said county in the same proportion as the public school fund of the State is now distributed. Said fund shall be blended with the State fund, that is, paid out for the same purposes and in the same manner by the county superintendent of education. One-third of such net profits shall be set aside and used exclusively for school purposes in any by said town of Haleysville; one-sixth shall be set aside and used exclusively for street and other public improvements in and by said town; and one-sixth shall be covered into the general fund of said town.

Section 11. No gates, doors or other opening ^{Gates, etc.,} shall connect the dispensary with any adjacent ^{connecting not} house or lot so as to permit ingress or egress in-^{allowed.} to and out of such house or lot from and into the dispensary.

Section 12. All laws and parts of laws that ^{Repeal.} conflict with the provisions of this act are hereby repealed.

Section 13. The dispensary under the provis-^{License tax.} ions of this act shall annually pay into the treasury of the State as a license tax the same amount of money that is now required of a retail liquor dealer in a town of the population of Haleysville, or such license tax as may hereafter be prescribed by law to be paid by dispensaries in this State.

Approved March 5, 1907.

No. 256.)

AN ACT

(H. 639.

To amend section 2 of an act, "To establish a charter for the town of Ashland, Clay county, Alabama."

Act amend-
ed.

Corporate
limits of Ash-
land.

Sec. 1. Be it enacted by the legislature of Alabama, That an act entitled an act "To establish a charter for the town of Ashland, Clay county, Alabama," approved Feby 3rd, 1897, be amended to read as follows: That section 2 of said act be amended so as to read as follows: Be it further enacted that the corporate limits of said town of Ashland shall embrace and include all the territory lying within one mile in every direction of the court house of said county which said court house is located in the center of the public square of the town of Ashland, Clay county, Alabama."

Approved March 5, 1907.

No. 258.)

AN ACT

(H. 654.)

To relieve Cyrus Jones, Jr., as the only legal heir of Cyrus Jones, Sr., deceased, by refunding to him, money amounting to \$250.20, belonging to the estate of the said Cyrus Jones, Sr., deceased, which escheated to the State of Alabama for lack of a claimant, as shown by the minute entries of the Probate court of Madison county, Alabama, Vol. 30, page 42; and further evidenced by Treasurers receipt No. 510 A. D., 1905. Whereas, Douglas Taylor, Esq., as administrator of the estate of Cyrus Jones, deceased, on making his final settlement with the probate court of Madison county, Alabama, in the year 1905, advertised for the heirs of the said Cyrus Jones, deceased, and no heirs appeared to claim said estate, the said amount of \$250.20, escheated to the State. It now appears that the said Cyrus Jones, Jr., was the only living child of the said Cyrus Jones, Sr., and was at the time of said final settlement of said estate, living in Madison county, Alabama, and had no notice by personal service, of any settlement of said estate, and failed

to see any notice by publication, if such notice was given by publication in any newspaper of said county.

Section 1. Be it enacted by the Legislature of Alabama, that the Auditor of the State of Alabama, be and he is hereby instructed to draw his warrant on the Treasurer of the State of Alabama, in favor of Cyrus Jones, Jr., for the sum of two hundred and fifty dollars and twenty cents (\$250.20) the amount of said estate, paid into the State Treasury.

Approved March 4, 1907.

No. 260.)

AN ACT

(H. 655.

To establish a dispensary in and for the town of Dayton in the county of Marengo, State of Alabama, and to provide for the conduct and regulation of the same.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby established in the corporate limits of the town of Dayton, in the county of Marengo, in this State, a dispensary for the said town of Dayton, to be conducted and carried on by said town in its corporate capacity, for the buying and selling of spirituous, vinous and malt liquors subject to the conditions and restrictions in this act contained. The place at which said business is carried on shall be called a dispensary, and said place shall be within the corporate limits of said town. The said town, for the purpose of inaugurating said business, shall be and is authorized to invest therein, a sum of money not exceeding three thousand dollars. The liquors bought and sold therein, shall be of the best and purest quality.

Section 2. Said business shall be conducted by said town of Dayton through a dispenser, and such other officers and agents as it may appoint

and select for that purpose. The office of dispenser for said town is hereby created, and his term of office shall be for one year, and until his successor is elected and qualified. The dispenser and other said officers and agents shall be elected by the legislative body of said town. The first dispenser shall be elected as soon as practicable after this act becomes operative.

Qualifications.

Section 3. Said dispenser and all other officers, agents and persons employed in said dispensary, shall be over the age of twenty-one years and shall be esteemed as honest, temperate, law abiding and competent to conduct the business for which they are employed, and shall be under the direction and control of the legislative body of said town. The dispenser, under the direction and control of said legislative body, shall manage and carry on said dispensary, and purchase and sell the liquors for the same, and said town of Dayton shall provide the money it wishes him to use in conducting said business. The liquors shall be purchased and sold for cash only, and the purchase and sale of the same except for cash is hereby prohibited.

Liquors bought and sold for cash.

Oath of dispenser.

Section 4. Before entering on the duties of his office, said dispenser shall make affidavit before an officer authorized to administer oaths that he will obey all the laws of the State of Alabama and the town of Dayton, relative to the sale, giving away or otherwise disposing of liquors of any kind, and he shall also execute bond in the sum of one thousand dollars, payable to the town of Dayton, for the honest and faithful discharge of his duties as such dispenser, such bond to be approved by the legislative body of said town. For neglect of duty, incompetency, misfeasance or malfeasance in office, said dispenser may be removed from office, such removal to be made by the legislative body of said town.

Bond.

Removal.

Vacancy; how filled.

Whenever a vacancy occurs in said office of dispenser the legislative body of such town shall elect his successor who shall hold office for the term of one year thereafter and until his successor is elected and qualified.

Section 5. The said town of Dayton shall pay to its dispenser a salary which shall be fixed by ^{Salary of.} the legislative body of such town before said dispenser is elected. Said salary shall not be less than one hundred dollars per annum, nor more than one thousand dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the amount of said salary or that of any of its said officers or agents to depend on the amount of sales that may be made by the dispenser.

Section 6. The dispenser shall not sell or permit the sale of any liquor of any kind in any ^{Quantity sold.} quantity less than one-half pint, and said dispensary shall not be opened on any day before sunrise, and shall be closed each day before sun- ^{Hours for sale.} set, and shall remain closed on Sundays, elec- ^{Days closed.} tion days and on the days before election days, and while so closed no person shall be permitted therein and no sales shall be made therein or thereby.

Section 7. Said dispenser shall not drink, ^{Unlawful to drink on prem-} consume or give away liquor of any kind or in ^{ises.} any quantity on the premises on which said dispensary is located. Said dispenser shall not permit or suffer any person to drink, consume or give away any liquor of any kind on said premises but this section shall not be construed so as to prohibit the dispenser or some employee designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury any person who violates any of the provisions of this section.

Section 8. Any person who consumes any li- ^{Penalty.} quor on said premises except as permitted in section seven of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than fifteen nor more than fifty dollars.

Section 9. Said dispenser shall not sell or per- ^{Sold only in sealed pack-} mit to be sold any spirituous, vinous or malt li- ^{ages.} quors, or intoxicating drinks of any kind that are not contained in sealed packages. He shall

not receive or keep any broken packages in said dispensary. If any original packages should be broken the contents shall at once be bottled and the bottles sealed.

Account of
sales.

Reports.

Section 10. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each days sales. He shall make the legislative body of the town of Dayton daily reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business, in writing or orally, or both, whenever and as often as said legislative body, or any member of said body shall require and pay to the said town the funds received by him from the sale of liquors as may be required by the rules and regulations adopted by said town to be by said town appropriated and paid out as herein-after provided. Subject to the provisions of this act the legislative body of the town of Dayton shall regulate and control the management of said business.

Net profits;
how appro-
priated.

Section 11. That the net profits of said dispensary shall be appropriated and paid out by the legislative body of said town as follows: Thirty-five per cent. of such net profits of said dispensary shall be appropriated and paid to the Dayton graded school in the town of Dayton and the remaining sixty-five per cent. of such net profits shall be paid into the treasury of the town of Dayton for the use and benefit of said town and the legislative body of said town shall appropriate and pay out such net profits, as herein provided, quarterly or four times a year.

Unlawful to
sell otherwise.

Penalty.

Section 12. No spirituous, vinous or malt liquors or intoxicating liquors of any kind, shall be sold in said town of Dayton except as herein provided, and any person who violates this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars.

Section 13. The term legislative body where it appears in this act is intended to include the law making body of the town of Dayton, whether the same be called the mayor and council of Dayton, the intendent and council of the town of Dayton, or the mayor and town council of Dayton, or by whatever name it may be called.

Section 14. No doors, gates, windows or other openings with any adjacent house ingress or egress into and out of such house from and into said dispensary, shall be allowed.

Section 15. All laws and parts of laws in conflict with the provisions of this act are repealed.

Section 16. This act shall go into effect within thirty days after the approval of the same.

Section 17. For the dispensary operated under the provisions of this law, the town of Dayton shall pay annually into the treasury of the State of Alabama, as a license tax the same amount or such license as may hereafter be required by law to be paid by dispensaries in this State.

Section 18. The officers and agents engaged in said dispensary may be removed or dismissed at the will of the legislative body of said town except said dispenser, who may be removed by said legislative body for neglect of duty, incompetency, misfeasance, malfeasance in office of which said legislative body shall be the sole judge.

Approved March 4, 1907.

No. 262.)

AN ACT

(H. 478.

To prohibit the sale, giving away, or otherwise disposing of alcoholic, spirituous, vinous or malt liquors, intoxicating bitters, wines, or fruits preserved in such intoxicants within precinct number seventeen, known as Warrior precinct in the county of Jefferson, State of Alabama, and to repeal the present

local law for the town of Warrior under which saloons are now operated.

Unlawful to
sell, etc., li-
quor.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage of this act it shall be unlawful for any person to sell, give away, cause to be given away, sold, bartered or exchanged, any alcoholic, spirituous, vinous or malt liquors, wines, intoxicating bitters, beverages, cordials or either intoxicating drinks used as a beverage or fruits preserved in alcohol or in any of said fluids, or to aid in the selling, giving away, bartering or exchanging any of said fluids within precinct number seventeen known as Warrior beat in Jefferson county, Alabama.

Penalty for
violation.

Section 2. That any person violating any provision one of this act shall be guilty of a misdemeanor and shall not be fined less than fifty nor more than five hundred dollars, and must be imprisoned in the county jail, or sentenced to hard labor for the county for not less than thirty nor more than ninety days by the court trying the same.

Act repealed.

Section 3. That an act entitled an act to regulate the sale of vinous, spirituous or malt liquors and all intoxicating liquors, and to establish, maintain and regulate a dispensary in the town of Warrior in Jefferson county, Alabama, for the sale of such liquors and to establish and perpetuate a board of commissioners for the management and for other purposes be and the same is hereby repealed.

Effect.

Section 4. This act shall take effect and be operative on and after July 1st, 1907.

Approved March 4, 1907.

No. 263.)

AN ACT,

(H. 787.)

To fix the time of holding the circuit courts in the counties of Perry and Bibb. Be it enacted by the Legislature of Alabama :

Section 1. The circuit courts of Perry county ^{Perry county,} shall begin on the third Monday before the last ^{time of hold-} Monday in February and August of each year, ^{ing court.} and may continue two weeks each term.

Sec. 2. The circuit courts of Bibb county ^{Bibb county.} shall begin on the first Monday before the last Monday in February and August of each year, and may continue four weeks each term.

Sec. 3. The provisions of this act shall take ^{Effect.} effect from and after the first day of June, 1907.

Approved March 4, 1907.

No. 265.)

AN ACT

(H. 725.

To amend section 3 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon, approved February the 18th, 1891. Be it enacted by the legislature of Alabama, That section 3 of an act entitled an act to regulate the trial of misdemeanors in the county of Macon, approved February the 18th, 1891, be and is hereby amended so as to read as follows:

Section 3. Be it further enacted, That it shall be the duty of the presiding ^{Indictments} judge of the circuit court of said county ^{for misde-} at each term thereof, to enter upon the minutes ^{meanors de-} of the court, on the day of adjournment, an or- ^{livered to} der requiring the clerk of said court to deliver ^{judge of coun-} to the judge of the county court all indictments for misdemeanors presented or filed in the circuit court and not finally determined, except offenses growing out of illegal sale of spirituous, vinous or malt liquors, intoxicating bitters or beverages; and, after the making of said order, the said county court as herein established shall have concurrent jurisdiction with the circuit court for the trial of said cases.

Approved March 4, 1907.

No. 266.))

AN ACT

(H. 222.

To amend section two (2) of an act to establish the inferior court of Demopolis precinct, Marengo county, Alabama, in lieu of all justices of the peace therein to be called city court of Demopolis approved Sept. 26th, 1903, and by adding section 14 to said act.

Section 2
amended.

Jurisdiction
of court.

Not a court of
record.

Section added.

Unlawful for
judge to pre-
pare paper
upon which he
passes.

Section 1. Be it enacted by the legislature of Alabama, That section two (2) of an act to establish the inferior court of Demopolis precinct, Marengo county, Alabama, in lieu of all justices of the peace therein to be called the city court of Demopolis approved September 26th, 1903, be amended so as to read as follows: That said inferior court is hereby clothed with and shall have and exercise all jurisdiction as is now or may be hereafter conferred by the general law on justices of the peace in all civil cases in which the amount involved does not exceed one hundred dollars; and in criminal cases in all misdemeanors, and such preliminary jurisdiction as now or may hereafter be conferred by law on justices of the peace; but such court shall not be deemed a court of record, and all parties shall have the same rights of appeal from the decision of said court as are now provided by law for appeals from justices of the peace. Provided that said inferior court shall not have or exercise any jurisdiction of any criminal offense committed within the corporate limits of the city of Demopolis and within any territory of the county of Marengo lying within one mile of the said corporate limits of said city of Demopolis, except of misdemeanors committed in violation of the road laws and preliminary jurisdiction of felonies.

Section 2. That said act be further amended by adding thereto section 14, which is as follows: Section 14. That it shall be unlawful for the judge of said court to avow, prepare or assist in the preparation of any court paper upon the validity of which the said judge may have to pass.

Approved March 4, 1907.

No. 267.)

AN ACT

(H. 806.

To better provide for maintaining, working and repairing the public roads of Henry county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the judge of probate of Henry county, Alabama, shall appoint a competent man, immediately after the passage of this act, as superintendent of the public roads of Henry county, Alabama, and to hold said office until the regular election of county officials in 1908, when the qualified electors of said county shall elect his successor, and said officer shall be elected every four years thereafter.

Section 2. That the judge of probate, circuit clerk, and sheriff of said county shall appoint three apportioners for each precinct of said county, and said apportioners shall appoint one overseer and apportion hands for each public road in said precinct.

Section 3. That the duties of the superintendent of public roads shall be: First, to have full control and supervision of all public roads of the county; second, to work and improve the public roads of the county by making them the proper grade; third, before beginning work on any roads in any locality of the county, he shall give the overseer of said roads five days notice of his intention to begin work, whereupon the overseer of said road shall call out for road duty, all persons subject to duty on said road, and said overseer and road hands shall meet the superintendent at the time and place designated in the notice given by the superintendent of said public roads of the county; the overseer shall see that each hand apportioned to him, or liable to work on the public roads, has had the notice required by law, and that all persons liable to road duty perform their equal share of services; the superintendent shall in conjunction with the overseer, make a memorandum of all defaulters, and see

that all overseers and persons liable to road duty perform all duties required of them by law, and especially report to the grand jury at the next session the names of all overseers who fail to comply with the law requiring them to prosecute all defaulting road hands; fourth, to contract for building and repairing small bridges, culverts and cause-ways, with the permission and consent of the commissioners' court, and to contract for such timber and material as may be necessary for the building and repairing of said small bridges, culverts and cause-ways, and to contract for the erection of mile-posts, sign-boards, etc., to dismiss from service any hand, whether working for himself or as a substitute, for some one else, who shall fail to do good and sufficient work, or who may be intoxicated, or who may use any vulgar, profane or obscene language, after having been requested by the superintendent or overseer not to do so, or who shall refuse any reasonable order by the superintendent or overseer, and have such persons proceeded against as though they had failed to obey the notice to work, or had failed or refused to work on said road; to take good care of all teams, tools, implements and road machinery turned over to him by his successor in office, or by the commissioners' court; to use the same only on the public roads of the county, and at the expiration of his term of office, or removal from office he shall deliver same to his successors in office; to make a written report every three months in each year to the commissioners' court at their regular quarterly meetings, showing the amount paid out for materials, repairs and labor on said roads.

Apportioners
to furnish list
of hands and
overseers to
superintendent.

Section 4. That the apportioners shall, within twenty days after being served with notice of their appointment, furnish the superintendent a list of the names of hands and overseers on each section of road in their respective precincts.

Purchase of
tools, teams,
etc.

Section 5. That the commissioners' court of said county shall purchase for the use of the county, and deliver to the said superintendent

of public roads, taking his receipt therefor, such tools, teams, mules, implements and road machinery as in their judgment are useful in the construction, and repairs of the said public roads, in keeping with the financial conditions of the county, and make reasonable allowances from time to time for actual and necessary cost of keeping and repairing the same. And said court shall authorize said superintendent to employ a force of not less than five nor more than ten laborers, the number to be fixed by the commissioners' court. Said laborers shall be under the direct control and supervision of the superintendent. Said laborers must begin work at sun-rise each day, and work until sun-set, with one hour's intermission at noon. Any laborer who, without sufficient excuse, fails to put in good time shall forfeit his day's work. Said laborers shall be paid by said road superintendent under the direction of the judge of probate when the court of county commissioners is not in session, by funds advanced to the road superintendent by the county treasurer for said purpose; the amount that said laborers shall receive per day, or per month, as the case may be, shall be set by the court of county commissioners.

Section 6. The commissioners' court of said county may, in its discretion, place under the control of the road superintendent, to be employed in working the public roads, the able bodied male convicts, sentenced to hard labor for the county, making the necessary appropriations from time to time out of the general fund to pay the amount earned by the convict laborer, for the costs and witness fees as now prescribed by law.

Section 7. That it shall be the duty of the commissioners' court to instruct the superintendent and overseers as to the grades of their respective roads, and require that all the grades be cleared of trees, stumps, roots, fences and other obstructions. And it shall be the duty of the superintendent to report to the grand jury all over-

Laborers
may be em-
ployed.

Pay of.

Male con-
victs may be
worked.

Duty of com-
missioners
court as to
grades, etc.

Supt. to report
to grand jury.

seers, who shall fail to comply with this act as to the clearing of roads of obstructions of any kind.

Vacancy in office of Supt., how filled. Section 8. That if the office of superintendent becomes vacant by death, resignation, removal or otherwise, the judge of probate shall within twenty days thereafter appoint a suitable person to fill the unexpired term. The superintendent may be removed from office by the commissioners' court whenever there is sufficient proof that his removal would be for the best interests of the county.

Removal of.

Bond of. Section 9. That the superintendent, before receiving the county property, or entering upon the duties of his office, shall be required to enter into bond in the sum of fifteen hundred dollars, with good and solvent sureties, approved by the judge of probate, and conditioned for the faithful performance of his duties required by this act. And the commissioners' court shall direct suit to be brought in the name of the county, on his official bond for any breach of the promises thereof.

Salary of. Section 11. That the road superintendent shall receive a salary to be paid monthly, of not less than fifty nor more than seventy-five dollars per month, which amount shall be fixed and public notice thereof given at least twenty days before making the appointment.

Time worked by road hands. Section 12. That no person or road-hand in Henry county, Alabama, shall be required to work any public road in said county more than ten days in any one year, nor more than two days in succession at any one time, not counting the days in opening new roads.

Funds appropriated for road purposes, etc. Section 13. That the commissioners' court shall appropriate annually so much of the funds of said county as will be sufficient to pay the salary of the superintendent and hands, together with the costs and expenses pertaining to maintaining and keeping in repair the roads of the county.

Section 13 1-2. That the commissioners' court of Henry county, Alabama, are hereby authorized to levy one-fourth of one per centum on all the taxable property of the county for a fund for the purpose of keeping in repair the public roads, bridges, culverts and cause-ways of the county, such taxes to be collected by the tax collector, turned over to the county treasurer and paid out by order of the court of county commissioners. Special tax authorized to be levied.

Section 14. That all male persons in Henry county, Alabama, from the ages of twenty-one to fifty are liable to road duty, except all district trustees, together with men as are exempt from road duty under the provisions of the laws of the State of Alabama. Persons subject to road duty.

Section 15. That all men who have served as overseers for two years, shall be exempt from road duty for the term of two years. Overseers, exemption from duty.

Section 16. That all defaulters shall be dealt with as now provided for under the general laws of the State of Alabama, with reference to defaulters on public roads. Defaulters.

Section 17. That all laws and parts of laws in conflict with the provisions of this act, so far as the same relate to Henry county, be and the same are hereby repealed. Repeal.

Approved March 4, 1907.

No. 268.)

AN ACT.

(H. 689.

To fix the terms of the circuit court of Madison county and to dispense with grand juries in said court, except when specially ordered by the judge. Be it enacted by the Legislature of Alabama:

1. The terms of the circuit court of Madison county shall remain as at present for the year, 1907. After the year 1907 the terms of said court shall remain as at present, except that the Circuit court, terms of.

August term shall be no longer held; and the February term shall begin on the second Monday in February and continue three weeks, the first two weeks to be devoted to the transaction of civil, and the last week to the transaction of criminal business, if any there be; provided, however, that nothing herein contained shall prevent the disposal of civil business during a criminal week; or of criminal business during a civil week, at the discretion of the judge.

Grand juries.

2. After the February term 1907, grand juries shall be no longer summoned or organized for said court, except when specially ordered by the judge as now provided by law for the organization of special grand juries.

Repeal.

3. All laws and parts of laws in conflict herewith are hereby repealed.

Approved March 4, 1907.

No. 270.)

AN ACT.

(H. 793.

To fix the salary of the chancellor of the northwestern chancery division of Alabama, at the sum of forty-five hundred (\$4,500.00) dollars per annum, and to provide for the payment of as much thereof out of the State Treasury as shall be paid to other chancellors, and for the payment of the remainder thereof out of the treasury of Jefferson county.

Amount of salary.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, the salary of the chancellor of the northwestern chancery division of Alabama, shall be the sum of forty-five hundred dollars, per annum of which there shall be paid out of the treasury of the State such sum as shall be paid to the other chancellors in the State, and at such time, in such, installments, and in such manner as the salaries of other chancellors are payable,

How paid.

and the remainder of said sum of forty-five hundred dollars shall be paid out of the treasury of Jefferson county, Alabama, upon the warrants of the Board of Revenue of Jefferson county, Alabama, in quarterly installments.

Section 2. That all laws general and local, in ^{Repeal.} conflict herewith, be, and the same are, hereby repealed.

Approved March 4, 1907.

No. 272.) AN ACT (H. 581.

To fix the salary of the judge of the police court of the city of Birmingham, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the salary of the judge of the ^{Amount of} police court of the city of Birmingham, Alabama, be and the same is hereby fixed at the sum of ^{salary.} three thousand dollars per annum, payable as ^{How paid.} now provided by law.

Approved March 4th, 1907.

No. 273.) AN ACT (H. 756.

To amend section one of an act entitled "An act to incorporate the town of Sulligent in the county of Lamar, State of Alabama," approved February 12th, 1897.

Section 1. Be it enacted by the legislature of Alabama, That section 1 of an act entitled "An ^{Section 1} act to incorporate the town of Sulligent in the ^{amended.} county of Lamar, State of Alabama," approved February 12th, 1897, be and the same is hereby amended so as to read as follows: Section 1. Be it enacted by the general assembly of Alabama, That the town of Sulligent in Lamar county, State of Alabama, be and the same is hereby in-

Corporate
limits.

corporated under and by the name of the town of Sulligent, and its corporate limits shall extend, and be as follows, to-wit: beginning at a point 50 feet north of the center of the main line track of the St. Louis & San Francisco Railroad Company one half of a mile in a westerly direction from a point sixty-four feet north of the center of the depot building of said company now situated in Sulligent, Alabama, and running north one-half of a mile, thence easterly parallel with said main track one-half of a mile thence south one-half of a mile, thence easterly parallel with said main line track one-fourth of a mile, thence south three-fourths of a mile, thence westerly parallel with said main line track three-fourths of a mile, thence north to a point fifty feet north of the center of said main line track, thence easterly parallel with said main line track to point of beginning, said territory being in township thirteen, range fifteen, west, Lamar county, Alabama.

Approved March 4, 1907.

No. 274.)

AN ACT

(H. 699.)

To repeal an act entitled an act to provide for the running at large of domestic live stock in the precincts of Hazel Green and all that section of Hurricane lying north of the line that formerly divided the precinct of Hurricane from the precinct of Maysville, Madison county, (Approved February 9th, 1901.) Be it enacted by the legislature of Alabama:

Act repealed.

Section 1. That an act entitled an act to provide for the running at large of domestic live stock in the precincts of Hazel Green and all that section of Hurricane lying north of the line that formerly divided the precinct of Hurricane from the precinct of Maysville, (Madison coun-

ty), approved February 9th, 1901, acts 1900-1901, page 923 be and the same is hereby repealed.

Approved March 4, 1907.

No. 276.)

AN ACT

(H. 373.

To provide for an election by the qualified electors of Tuscaloosa county to determine whether the sale, barter, exchange, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating beverages, bitters and proprietary medicines shall be wholly prohibited in said county, and if a majority of said electors shall vote in favor of prohibition to prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters and proprietary medicines and to prohibit the shipping into said county by any common carrier and the bringing into said county, by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines from any place within this State, and to prohibit the taking or soliciting of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines by any person in said county over any telegraph or telephone line, and to provide penalties for all such prohibited acts.

Sec. 1. Be it enacted by the legislature of Election; Alabama. That whenever five hundred of the ^{how} qualified electors of Tuscaloosa county, file in ^{ordered.}

the office of the judge of probate of said county a petition in writing praying for an election to ascertain the wishes of the people of Tuscaloosa county as to whether the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters and intoxicating proprietary medicines shall be wholly prohibited in said county, it shall be the duty of the said probate judge to order an election and fix the time of holding the same, which shall not be more than sixty or less than forty days from the time of the filing of such petition. At said election all the qualified electors of said county shall be entitled to vote.

Time of holding.

Persons voting thereat.

Sheriff to give notice of.

Managers, etc. for.

Lists, blanks, ballots, etc., furnished.

Ballot.

Sec. 2. That the sheriff of said county, shall give notice at least thirty days before the time fixed for such election of the time of holding such election, and the purpose for which it is held, by publication for three consecutive weeks in some newspaper published in said county and the judge of probate, clerk of the circuit court and sheriff of said county shall appoint three inspectors or managers, two clerks and one returning officer for each voting place in said county for the holding of said election, and the sheriff shall notify them of the appointment at least ten days before the time of holding such election.

Sec. 3. That the judge of probate of said county shall furnish to the managers of the said election at the respective voting places all necessary lists of the qualified electors entitled to vote in their respective precincts, and all necessary stationery, blanks, and blank certificates and printed ballots at the expense of the county. The number of ballots furnished to each voting place shall not be less than double the number of electors entitled to vote at such voting place. The ballot shall be a plain strip of white paper and shall have printed on it, first, the words "For Prohibition," with space sufficient above them for the numbering of the ballot, and a line running entirely across the paper immediately un-

der them, and about a half inch below said line shall be printed the words "Against Prohibition" with a like line immediately under them. The voter shall express his choice by making a cross mark (X) to the left of the words "For Prohibition" or of the words "Against Prohibition" according as he may desire to vote for or against prohibition. But the ballot shall not be vitiated if the mark be placed in the right instead of the left of such words, but shall be counted the same as if it had been placed on the left thereof.

Sec. 4. That polls shall be open from 7 o'clock a. m. till 6 o'clock p. m., and said election shall be otherwise held and conducted and governed in all respects as general elections for State and county officers are now by law held, conducted and governed. ^{Polls, opening and closing.} ^{Election; how held.}

Sec. 5. That the managers or inspectors of the election shall count up the votes and certify the result of the election in their respective voting places, and shall make two certificates of such results, one of which together with the tally sheet they shall seal in an envelope and deposit, together with the ballots which shall be sealed in a package, in the ballot box which shall be sealed and by them delivered to the returning officer, who shall within forty-eight hours after the close of the polls at such election deliver the same to the sheriff of said county. The other certificate shall be safely kept by one of the managers until the expiration of thirty days after the declaration of the result of the election by the canvassing board hereinafter provided for. The said sheriff shall safely keep the said returns and have them before the canvassing board on the day appointed for them to meet and declare the result of the election. ^{Votes accounted and certified by managers.} ^{Sheriff to keep returns.}

Sec. 6. That the probate judge, clerk of the circuit court and sheriff of said county are hereby constituted a canvassing board to ascertain and declare the results of said election. They shall meet on the sixth day following the holding ^{Returns canvassed.} ^{Result declared.}

of said election, unless such day be Sunday, in which event they shall meet the day preceding such sixth day, in the court house of said county and open all the boxes and canvass the return, and their meeting shall be public. They shall make and sign a declaration or certificate of the result of said election and immediately publish the same by posting a copy thereof at the door of the court house of said county and by publication in the next succeeding issue of some weekly newspaper published in said county.

Contest of election.

Sec. 7. That no contest of said election shall be instituted after the expiration of thirty days after the publication of the result thereof as herein provided for.

Majority for prohibition unlawful to sell, etc.

Sec. 8. That if at such election a majority of the qualified electors voting thereat shall cast their votes for prohibition it shall be unlawful after the 15th day of January next succeeding the date of said election, for any person, firm or corporation to sell, barter, exchange, give away, lend, deliver or otherwise dispose of spirituous, vinous or malt liquors, or intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines in said county.

Unlawful for person or common carrier to bring or ship into county.

Sec. 9. That if a majority of the votes cast by the qualified electors voting at said election shall be for prohibition, it shall be unlawful, after the 15th day of January, next succeeding the date of said election for any common carrier, person, firm or corporation to ship, bring or carry into said county from any place or point within this State for the use of any other person other than himself, herself or itself, or to procure or obtain for spirituous, vinous or malt liquors, intoxicating malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines.

Unlawful to solicit or take orders for.

Sec. 10. That if at said election a majority of the votes cast thereat by the qualified electors, shall be for prohibition it shall be unlawful after the 15th day of January next succeeding the date of said election for any person or corporation to take or solicit in said county any order or orders

for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines, or to carry within or from said county, any such order or orders.

Sec. 11. That if a majority of the qualified electors voting at said election shall cast their votes for prohibition, it shall be unlawful after the 15th day of January, next succeeding the date, of said election, for any person or corporation to order or give or transmit any order or orders in said county for himself or any other person or corporation, over any telephone, or telegraph or telephone line, for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines.

Sec. 12. That any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail or sentenced to hard labor for the county for not less than three months, nor more than twelve months, and shall also pay a fine of not less than fifty nor more than five hundred dollars.

Sec. 13. That if any section or provision of the act shall be held or declared unconstitutional or void, all the other provisions thereof shall nevertheless be held valid and of force.

Sec. 14. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 4, 1907.

No. 277.)

AN ACT

(H. 846.

To authorize the commissioners' court of Conecuh county to divide said county into road precincts and to appoint road overseers to have supervision of the public roads in said county, and to direct and prescribe the duties of said overseers and the duties of road apportioners in said county, and to provide

for and define the duties of said overseers and apportioners and to authorize the commissioners' court of Conecuh county to purchase for said county the necessary teams, tools, road machines, implements and plows to be used for constructing, repairing, working and improving the public roads in said county and to provide for the construction and improvement of the public roads of Conecuh county and to prescribe who shall work on the public roads of Conecuh county and to provide for a road tax in lieu of work on the public roads of Conecuh county and to provide for the appropriation of funds by the commissioners' court of Conecuh county for the construction, repairing, working and improving the public roads in said Conecuh county; to prevent the obstruction of and damage to the public roads of Conecuh county and to prescribe punishment for obstructing or damaging the public roads in Conecuh county.

County divided into road precincts.

Sec. 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Conecuh county at the term of said court beginning on the first Monday in November, 1910, and in every year thereafter is hereby authorized to and must divide the said Conecuh county into a convenient number of road precincts, each of said road precincts respectively to be of the same dimensions and of the same limits and boundaries as the election precincts in said county.

Road apportioners to file map and list of public roads and make recommendations.

Sec. 2. That it shall be and is hereby made the duty of road apportioners in each road precinct as now established or may be hereafter by law established in said Conecuh county, to file in writing a map and list of the public roads in their respective precincts and to recommend in writing to said commissioners' court of Conecuh county on or prior to the first Monday in November, 1910, and on or prior to the first Monday in

November in every fourth year thereafter, the names of a sufficient number of men (not less than two for each road) in each road precinct respectively, who are noted for their good judgment and fair dealings in their communities and who would make suitable road overseers and who are between the ages of twenty-one and sixty years.

Sec. 3. That the court of county commissioners of Conecuh county at the November term, 1910, of said court and at the November term of said court in every 4th year thereafter shall appoint for each road precinct so established in said county under the provisions of this act, such number of road overseers for each of such road precincts as such court may deem proper, and that the terms of all overseers appointed under the provisions of this act shall be for four years from the date of their appointment. Provided that overseers shall be appointed from the list of names recommended by the apportioners as herein provided.

Road overseers; appointment, term of office of.

Sec. 4. That in the event any overseer appointed should die, or remove from the precinct or county before the expiration of the time for which he was appointed, then in that event the judge of probate of said county shall be and is hereby authorized to select from the list recommended by the apportioners as herein provided for, and appoint a person to fill said vacancy; that in the event there is no one on said list who has not been selected as overseer, then that such judge of probate shall notify the apportioners of the road precinct in which said vacancy occurs, and it is hereby made the duty of such apportioners to recommend in writing to such judge of probate the names of two persons who would make suitable road overseers and it is hereby made the duty of such judge of probate to appoint from such list so recommended the person to fill such vacancy, and that the term of the overseer so appointed shall be for the unexpired term of his predecessor.

Vacancy; how filled.

Commissioners courts to assign roads to overseers.

Teams, tools, etc., furnished.

Power of commissioners court as to working, etc., roads.

In event road on line between precinct; assignment and working of.

Road overseers to give receipt for tools, etc.

Sec. 5. That the commissioners' court of said Conecuh county at the November term, 1910, of said court, and at the November term of said court in every fourth year thereafter, shall assign to each overseer so appointed by such court such roads or such number of miles of roads as such court may deem proper to be worked, supervised and kept in good condition by such overseer and such court may furnish each overseer so appointed such teams, tools, implements, road machines and other things necessary for use and work on such public roads, as such court may in its judgment think proper; and such court shall require each overseer to have the road or roads assigned to him, and as to which he is appointed overseer worked such number of days in each road year, and in such manner as is necessary to keep such road or roads in good repair and as such court may from time to time prescribe or direct.

Sec. 6. That in the event any public road in said Conecuh county is on the line between any road precinct as now established in said county or that may be hereafter by law established in said county, then that said line road shall be by such commissioners' court assigned to such overseers as such court may designate or deem proper, and it is hereby made the duty of the overseer to whom such road is by such court assigned in all respects, to attend to work and repair such road as provided by this act as to all other roads in said county; provided, also that said commissioners' court shall have the right where a corner or small section of road precincts or roads lies between or divides other road precincts or roads to make the roads assigned to adjacent overseers extend across said corner or intervening road precinct or roads so as to make the roads assigned to the overseers, adjoin or come together.

Sec. 7. That road overseers appointed under the provisions of this act, shall be by said commissioners' court required to receipt the judge of probate of said county for the different tools,

implements, road machines or other property belonging to the county that may come into his possession and such overseer shall be required to preserve and take good care of all tools, implements, road machines, or other property of the county that may come into his possession and to return the same to the judge of probate of said county, in good condition, wear and tear excepted, at the expiration of his term of service. And it is hereby made unlawful for such overseer to permit or suffer any one to use, or to himself use the tools, implements or road machines belonging to the county for any other purpose or use than in working the public roads of said county. Care of same. Unlawful to use otherwise.

Sec. 8. That it shall be and is hereby made the duty of all road overseers in said Conecuh county to perform the following services or duties, namely: 1, to execute, perform and carry out all rules, directions, regulations or instructions given them by the court of county commissioners of said county. 2. On the apportioners failing to furnish a list of persons and hands within the time prescribed, to apply for and, if possible to obtain the same. 3, to call out the persons and hands subject to work on their road precincts at their discretion and work with the same on their roads ten days in the year, if such number of days work is necessary to keep the roads in their precincts in good repair, and provided that no hands shall be required to work more than ten days in any one road year, except as otherwise provided by the general road laws of Alabama. 4, to measure within three months after being notified of their appointment their respective roads in continuation and to set up, at the end of each mile, neat and permanent mile posts with the number of miles to the court house or other noted place to which the road leads. 5, where the road in their road precinct forks or turns out, or crosses another public road, to direct at such fork, turnout, or crossing, suitable index boards, with proper direction pointing towards the place to which such turnout, fork or Duties of road overseers.

cross road leads. 6, build bridges, 'cause-ways whenever the same are necessary, unless the court of county commissioners deem it expedient to have the same built by contract. 7, where a space is left on the continuation of the same road between two precincts in the same county on the same county line, in different counties to unite with the overseer on the other side of such space, and his hands, either in working such intermediate space or in building the bridges or cause-ways necessary to bring the precinct together. 8, to report to the grand jury any apportioner in any road precinct in which his road or any portion of the same is situated, who fails to discharge any of his duties. 9, to prosecute all defaulters for not working on the public roads. 10, to keep the fords of the streams in order if deemed practicable by the apportioners of the precinct, when any bridge has fallen down or becomes dangerous. 11, when toll bridges on public roads are constructed across watercourses to keep open and in good condition existing fords at such crossings, and the land entrance thereto on either side of the same. 12, to cause to be built or erected and to keep in repair proper and suitable dirt embankments or approaches to the bridges on the public roads in said Conecuh county that have been erected for said county or that may be hereafter erected for said county, where it is practicable to erect or build such dirt approaches or embankments. 13, to pay over to the county treasurer of said county, within thirty days after the receipt of the same all monies that may be received by him as such overseer as herein provided. 14, to perform such other duties as may be required of them by law.

Supervision-
ary power of
commission-
ers court.

New roads
constructed.

Sec. 9. That the court of county commissioners of said Conecuh county is hereby invested with general supervision and superintendence of the public roads in said Conecuh county, and that said county may establish and construct new and discontinue or change old roads, in the same manner

as herein provided, and that said commissioners' court may make all necessary contracts and expenditures for the carrying out of the provisions of this act; and said court of county commissioners of said Conecuh county is hereby authorized, empowered and directed to purchase for said county and pay for the necessary tools, ^{Tools, etc.,} teams, plows, road machines and implements ^{as purchased.} said court may deem necessary to be used for constructing, repairing, working and improving the public roads in said Conecuh county.

Sec. 10. That nothing in this act contained shall affect or impair the appointment, ^{Effect of act.} authority or duties of apportioners of roads in said Conecuh county, as now provided under the general statutes of Alabama except as herein provided; and that the road apportioners of Conecuh county shall within fifteen days after the adjournment of the regular November term of said commissioners' court in each year, ^{Time for furnishing lists of} furnish to the overseers of the respective precincts a list of ^{hands to over-} hands apportioned by them to each overseer in their precincts.

Sec. 11. That it is hereby made the duty of ^{Road appor-} road apportioners in each road precinct in Conecuh county to inspect the public roads in their ^{tioners to in-} precincts respectively and it is also hereby made the duty of said road apportioners in each precinct respectively on or before the first Monday in November in each year, to report and certify ^{Report as to} in writing to the commissioners' court of said ^{performance} county, as to whether the overseers in their res- ^{of duty by} pective precincts have performed their duties ^{overseers.} and worked their roads in a proper manner according to the specifications and directions of said commissioners court.

Sec. 12. That road apportioners and overseers ^{Term of ser-} in said Conecuh county must serve for four years ^{vice of appor-} from the date of their appointment, and if said ^{tioners and} term of four years is served out, they shall be en- ^{overseers.} titled to a certificate of exemption for the next ^{Exemption} two years, and if any person shall be appointed ^{from road} to serve out the unexpired term of any appor- ^{duty.}

tioner or overseer in said county such person shall at the expiration of the term for which he has been appointed, be entitled to a certificate of exemption from road service for one-half of the length of time next after such term expires that he has served. Provided, that no overseer shall be entitled to exemption from road service as herein provided for, until he shall have properly accounted for all tools, road machines, plows and implements entrusted to him and paid over all monies coming into his hands by virtue of his office as such overseer.

Term of office
of overseers.

Sec. 13. That the term of office of all road overseers appointed by the court of county commissioners of Conecuh county at the November term, 1906, of said court are hereby extended until the first Monday in November, 1910, and that the term of office of all overseers appointed by the court of county commissioners of Conecuh county at the November term of 1906 of said court shall terminate on the first Monday in November, 1910, and if said term of service is by such overseers served out they shall be entitled to a certificate of exemption from road service for the next two years, and if any person shall be appointed to serve out the unexpired term of any such overseer such person shall, at the expiration of the term for which he has been appointed, be entitled to a certificate of exemption from road service for one-half of the length of time next after such term expires that he has served. Provided, that no overseer shall be entitled to such exemption until he shall have properly accounted for all tools, road machines, plows and implements, and all monies coming into his possession by virtue of his office as such overseer.

Certificate of
exemption.

Apportion-
ers to report in
writing to
grand jury.

Sec. 14. That it is hereby made the further duty of road apportioners in each precinct in said Conecuh county to report in writing to each term of the grand jury of said Conecuh county, the condition of the public roads in their respective precincts, and also to report in writing to each grand jury the name of any overseer or

overseers in their respective precincts who have failed to do their full duty as provided in this act or whose roads are not in good condition, and it is hereby made the further duty of road apportioners in each road precinct in said county to meet twice each year in their respective precincts and within three weeks before each term of the grand jury of said county and select one of their number to appear before the grand jury of said county and deliver such report of said apportioners:

Sec. 15. That the court of county commissioners of said Conecuh county is hereby authorized and empowered to have and exercise general supervision and control of the public roads, and of the construction, working, improving and maintaining the public roads in said Conecuh county and may from time to time as it deems proper, make such rules and regulations prescribing the duties of such overseers and apportioners and the manner of constructing working, improving and repairing the public roads in said county, and it is hereby made the duty of each and all overseers and apportioners in said Conecuh county, in all respects to execute and carry out the rules, regulations, and directions of said commissioners' court as to the duties of such overseers and apportioners, and as to the working, improving and repairing the public roads of such county.

Sec. 16. That any apportioner or overseer in said Conecuh county who fails or refuses to perform any duty imposed upon him by the provisions of this act of the general road laws of this State, shall be guilty of a misdemeanor.

Sec. 17. That any overseer of the public roads in Conecuh county may be required and it is hereby made his duty himself to oversee and perform his duty as overseer on the roads as to which he is appointed overseer, for as much as fifteen days in any road year if that length of time is necessary to keep said roads in good repair, but this does not require that any road hand shall be re-

Persons liable
for road
duty.

Commutation
fee.

Pay in lieu of
work.

Overseer may
employ hands.

quired to work more than ten days in any one road year.

Sec. 18. That all male persons in said Conecuh county over the age of eighteen years and under the age of forty-five years and not otherwise exempted by the general laws of the State shall be and are hereby made liable to work on the public roads of Conecuh county for the length of time as provided by the general road laws of the State, provided, however, that any person liable to road duty may in lieu of work on the public roads in said county discharge such liability by the payment of ten dollars on or before the first day of January, to the overseer to whom he is apportioned, which payment shall relieve him of liabilities to road duty (except the opening of new roads) for the year beginning the first Monday in November preceding the payment of said sum; and provided further that any person liable to road duty may in lieu of work on the public roads in said county discharge his obligation for the number of days he is warned to work at any one time by the payment of one dollar for each day he is warned to work on any road, said payment to be made however to the overseer at the time he is warned or notified by the overseer to work on any road to which he is apportioned, and provided further, that he may relieve himself for absence from road duty on account of sickness, by the payment of one dollar for each day's absence or fractional part thereof, said payment to be made within five days after default of absence.

Sec. 19. That in the event persons liable to road duty, pay the tax provided for by section 18 of this act and the road hands on any road be thereby reduced below the number necessary to properly work said road, the overseer may with the advice and consent of the judge of probate employ necessary hands to work said road, paying such persons so employed not exceeding one dollar for each full day of actual service and the sums paid to persons thus employed shall be by

the overseer paid from amounts paid by road hands in the road precinct in which said road is located under the provisions of section 18 of this act, provided that a day's work under this act shall be ten full hours of actual service.

Sec. 20. That for the purpose of carrying out the provisions, intent and purpose of this act, the court of county commissioners of said Con-

Appropriation authorized.

ecuh county is hereby authorized and empowered to appropriate the necessary funds annually, not otherwise appropriated from the annual revenues collected for general purposes in said county. That upon making such appropriations said court shall direct by proper order, and it shall be the duty of the county treasurer to open an account on his books to be known as "Road Funds" account and whenever any money shall be paid to said treasurer for road purposes he shall place the amount there to the credit of said account, and the said funds to the credit of said account shall be by the said commissioners' court equitably divided between the several road precincts of said county as herein provided for and the funds of said account shall be disbursed upon the order of the commissioners' court as are other funds of the county in the hands of the said treasurer, provided, however, that the funds arising from the payment of the annual road tax provided for in section 18 of this act, shall be devoted to the public roads in the road precincts which the persons and hands paying the same reside.

"Road Funds" account.

Sec. 21. That the court of county commissioners of said county may employ persons sentenced to hard labor for the county in working or improving the public roads of said county or may hire the county convicts to any contractor of roads in said county, and under such rules and regulations as may be prescribed by said commissioners' court.

County convicts may be worked or hired to contractor.

Sec. 22. That all funds coming into the hands of the county treasurer of said county for road purposes shall be credited to the "road funds"

Funds credited to "Road Funds" account.

Disburse-
ment of.

account and the same may be expended and disbursed on the public roads of Conecuh county as the court of county commissioners of said county may deem best, provided, however that the funds coming into his hands arising from the annual road tax provided for in section 18 of this act, shall be by said treasurer credited to the general current fund of the county and disbursed upon the order of said commissioners court on the public roads in the various precincts of the county as provided in section 20 of this act.

Proceedings in
opening new
road or chang-
ing old road.

Sec. 23. That when a new road is to be opened or an old road changed in said county (except minor changes otherwise provided for) instead of a jury of viewers as provided for by section 2474 of the code of 1896, the court of county commissioners of said county shall appoint a competent person to view, locate and mark out the best route for such proposed new road or change of old road, who shall assess the value of the land to be taken for such new or change of road and such person, before entering upon his duties shall take and subscribe an oath to view and mark out the best route for such proposed new or change of road to the greatest advantage to the public, and must after viewing and marking out the route, make a report in writing and returning the same with a plat to the court of county commissioners together with an assessment of the value of the land of each land owner that will be taken if the road is opened over the route marked out; provided, that where minor changes can be made with the consent of the owner of the land over which such changes shall be located, or when a right of way for a new road can be acquired by donation or purchase from the land owner, then such changes may be made or new roads opened by order of the court of county commissioners, entered on the minutes of said court, without proceedings under this and the succeeding section of this act.

Sec. 24. That upon the receipt of the report of the viewer as provided by the preceding section

of this act, the said commissioners' court of Conecuh county shall appoint a day for the hearing of any objections to said report, or to any valuations therein shown, of which all land owners interested shall have at least ten days notice. The notices to the land owners may be served by the sheriff by leaving a copy of said notice at the residence of each land owner, when said land owners reside in the county. If any of the land owners interested reside without the State, then notice shall be given such by publication for three successive weeks in some newspaper published in the county.

Sec. 25. That on the day appointed by the court of county commissioners of said county for the hearing of any objections to the report of the viewer as provided by the preceding section of this act, the said court of county commissioners shall proceed in all respects as provided by section 2449 of the code of 1896.

Sec. 26. That road apportioners and overseers may be appointed by the court of county commissioners of Conecuh county from the male persons in said county who are between the ages of twenty-one and sixty years, and that all male persons in said county over the age of twenty-one and under the age of sixty years and not otherwise exempted from road service by the general laws of the State, shall be, and are hereby made liable to serve as road apportioners and overseers on the public roads in said county.

Sec. 27. That the following sections of the code of Alabama in relation to the public roads are not repealed by this act, but are continued in force in Conecuh county, namely: Sections 2443, 2445, 2446, 2449, 2450, 2451, 2453, 2456, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, and all laws contained in

the criminal code of Alabama relating to the public roads not in conflict with this act.

Inspection of roads.

Sec. 28. That the court of county commissioners of Conecuh county may appoint a member of said court or other competent person annually to make an inspection of the public roads of said county and report in writing to the commissioners' court the condition of the same, provided that for such services such person appointed shall not be paid a sum exceeding two dollars per day for each day of actual service.

Salary allowed.

Funds not used in corporate limits of cities.

Sec. 29. That no funds of Conecuh county shall be expended on the roads within the corporate limits of any incorporated town or village in said Conecuh county.

Grades, etc., of roads.

Sec. 30. That the grades and width of the public roads in Conecuh county shall be as may be prescribed by the commissioners' court of said county and as may appear for the best interest of the people of the county and the land owners interested.

Appointment of apportioners in 1910 and afterwards.

Sec. 31. That the commissioners' court of Conecuh county at the November term of 1910, of said court, and at the last regular term of said court in every fourth year thereafter, must appoint three road apportioners for each road precinct in said county; provided, that the term of apportioners now in office in said county shall expire on the first Monday in November, 1910, and if said term is served out they shall be entitled to a certificate of exemption from road service for the next two years.

Road injured, party injuring to repair same.

Sec. 32. That whenever any person or the agent of any person or corporation shall render any public road unfit for use or shall break or injure any bridge or obstruct ditches on any public road by hauling heavy loads of freight, timber, logs or other articles of heavy weight loaded in or on vehicles of any kind or attached thereto, or in any other way obstruct or injure any public road or bridge in Conecuh county, it shall be the duty of such person or their agents to repair such public road or bridge within three days after be-

ing notified of the injury done, by any tax-payer of the county. And any person or the agent of any person or corporation who shall fail to comply with the provisions of this section shall be guilty of a misdemeanor and may be tried and convicted for the same in any court having jurisdiction of the offense, and all fines imposed for violation of any of the provisions of this act, shall go into the "roads fund" of the county. Penalty for failure.

Sec. 33. That the said commissioners' court of Conecuh county, is hereby authorized and empowered to employ and pay such man as may be necessary or expedient for the construction, improvement and maintenance of the public roads and bridges in Conecuh county, and that for the purpose of constructing, working, improving and maintaining public roads and bridges in said county said court of county commissioners may employ contractors to do the work and said court may appoint a member of said court or other competent person to supervise and direct such work. Commissioners court may employ parties to aid in construction, etc., roads.

Sec. 34. That all laws or parts of laws special or general in conflict with the provisions of this act (except those herein specifically named) be and the same are hereby repealed in so far as the same apply to and affect Conecuh county. Repeal.

Approved March 4, 1907.

No. 279.)

AN ACT

(H. 799.

To provide for the working, repairing, maintaining, and improving of the public roads of Pickens county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That within thirty days after the passage and approval of this act the commissioners' court of said county shall appoint one supervisor of public roads for each road precinct in said county, who shall be a resident of the precinct over which appointed and shall continue in such Supervisors, appointment of.
Term of office.

Removal.

office for the term of two years, or until his successor has been appointed and qualified; provided, that said commissioners' court may remove any of said supervisors on account of incompetency or failure to discharge his duties as such supervisor.

Oath.

Section 2. That said supervisor shall immediately after notice of their appointment qualify as such supervisors by taking the statutory oath of office and file the same in the office of the judge of probate of said county.

Overseers, how appointed.

Section 3. That said supervisors after having qualified shall, without delay, appoint as many overseers of public roads who shall be residents of the precincts in which appointed, as may be necessary to the proper working, repairing, improving and maintaining the public roads in their respective road precincts who shall serve as such overseers for two years or until their successors shall have been appointed and qualified, said overseers shall without delay take and subscribe to the statutory oath of office before entering upon the discharge of their duties and file the same with the judge of probate of said county. The supervisors may administer such oath of office. Provided that any overseer may be removed by the supervisor on account of incompetency or failure to discharge the duties of overseer under this act.

Term of office.

Oath.

Removal.

Supervisors control working, etc., of roads.

Section 4. The supervisor shall have the control and direction of the working, repairing, maintaining, and improving of the public roads in their respective precincts, and it shall be their duty to see that said roads are kept in good condition.

Board of enrollment, who constitutes.

Section 5. The supervisors and overseers of their respective precincts shall constitute a board of enrollment and apportionment, of which board the supervisor shall be the chairman and who shall have the power to settle all questions on which the board may fail to agree.

Duty of board.

Section 6. It shall be the duty of said board, as provided for in section 5 of this act without

delay, to enroll the names of every male inhabitant of their respective precincts who are liable to public road duty and the location of such persons; and they shall at the same time make a complete list of all horses, mares, mules, and oxen in the precinct, together with the names of the owners or persons having control of any horses, mares, mules, and oxen; and when such enrollment is complete the lists shall be filed with the supervisors.

Section 7. That said board of enrollment and apportionment after the lists provided for in section 6 of this act have been filed, shall without delay make apportionment of the persons and stock as provided for in section 8 of this act, enrolled by them or may thereafter be enrolled among the several overseers as said board may determine.

Apportionment of persons and stock by board.

Section 8. That all male inhabitants of said county over the age of eighteen and under the age of forty-five years, who are not physically disabled and who may have a certificate to that effect from the medical board of said county, shall be subject to public road duty; that all horses, mares, mules, and oxen are hereby made subject to such service on the public roads of said county as may be determined by the overseer, but for not more than one day in each year. Provided that there may be exempt to each regular minister of the gospel in said county one horse, mare, or mule, as he may elect from public road duty under this act. Provided, further that the owners of said stock can, by paying a fee of .50 cents per head, have such stock exempt from road duty for a period of one year; and that said fees shall be paid to the supervisor of the precinct in which said stock have been apportioned; and that a record of said fees shall be kept and said fees shall be apportioned as provided for in section 16.

Persons liable to road duty.

Horses, etc., subject.

Exemptions.

Section 9. That any person subject to road duty under this act, who after two days notice, by the overseer to whom he has been apportioned, fails to perform duty.

Penalty for failure of person to perform duty.

shall fail or refuse to perform any of the duties required of him by this act, shall be deemed guilty of a misdemeanor and on conviction shall pay a fine of not less than \$2.50 nor more than \$10.00 for each day he fails or refuses to discharge such duties.

Penalty for failure to furnish horse, etc.

Section 10. That any person who owns or controls any horse, mare, mule, or ox, who shall fail to list such horse, mare, mule, or ox, when requested by the supervisor or overseer to do so, or who shall fail or refuse to furnish any horse, mare, mule, or ox, or pay the said fee of 50 cents as provided for in section 8, at such time and place as he may be directed by his overseer shall be deemed guilty of a misdemeanor and on conviction shall pay a fine of not less than \$3 nor more than \$10.

Report of supervisor to grand jury.

Section 11. That said supervisors shall, within the first two days of each term of the circuit court of said county, make a report of the condition of the public roads of his respective precincts to the grand jury of said county; and he shall at the same time make report of any and all overseers who fail to discharge their duties as such.

Overseer to report party failing to discharge duty.

Section 12. That it shall be the duty of every overseer, and he is hereby required, within thirty days after having given notice as provided in this act, to report to any justice of the peace of said county, the names of all persons liable to road duty who fail or refuse to discharge the duties required of them under this act.

Penalty for failure of supervisor to perform duty.

Section 13. That any supervisor appointed under the provisions of this act who neglects, fails, or refuses to discharge his duty as such supervisor, shall be deemed guilty of a misdemeanor and, on conviction, shall pay a fine of not less than \$10 nor more than \$50.

Penalty for overseer failing to perform duty.

Section 14. That any overseer appointed under the provisions of this act, who neglects, fails, or refuses to perform the duties required of him as overseer, shall be deemed guilty of a misde-

meanor and, on conviction, shall pay a fine of not less than \$10 nor more than \$50.

Section 15. That each supervisor and overseer and two work animals, horses, mares, mules, or oxen owned or controlled by them, shall be exempt from road duty for such time as may be equal to the time served by them as such supervisors and overseers, and that two work animals, horses, mares, mules, or oxen, owned or controlled by them may be exempt from road duty during their terms of office. Exemption allowed overseer and supervisors.

Section 16. That all fees, fines and forfeitures collected under the provisions of this act shall be paid in current money of the United States of America, and shall be paid to the supervisor of the road precinct in which the said fines and forfeitures are collected, by the officers collecting the same, and said fines and forfeitures shall be appropriated for the working of the section of road to which person or persons paying such fines and forfeitures have been apportioned. Fees, fines, etc. how paid.

Section 17. That it shall be the duty of every person liable to road duty under this act to perform ten days of actual labor service on the public roads of said county for each and every year, at such time or times as the overseers may direct; provided that in addition to the said ten days, the overseers shall warn and call out such force as may be necessary to repair any damage to the roads, caused by storms, floods, or from any other cause that would interfere with safe travel. Days worked.

Section 18. That the said county of Pickens shall be liable and shall pay all reasonable claims of any person for injury done to any horse, mare, mule, or ox under the provisions of this act. County liable for damages to stock.

Section 19. That the supervisors shall furnish each overseer with certificate of his appointment as overseer, the road section to which he has been assigned, and a list of the persons and which have been apportioned to him. Certificate furnished overseer.

Purchase of
road tools,
etc.

Section 20. That the commissioners' court of said county be and hereby is authorized and empowered, under the provisions of this act, as it may determine, to purchase and furnish to overseers of said county, all such road tools implements as may be considered by said court necessary to improve the public roads of said county, provided that not more than two thousand dollars per annum shall be appropriated and expended by said court for such road improvement.

Laws appli-
cable.

Section 21. That the general road law of the State embraced in the code of 1896 of Alabama, not in conflict with the provisions of this act, shall remain in full force and effect and shall govern; and that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Blanks, etc.

Section 22. That the commissioners' court of said county shall purchase and furnish such blanks and stationery as may be necessary to carry out the provisions of this act, and the said court shall also have this act printed in pamphlet form for the information of the courts and for the use of the supervisors and overseers of said county; and they shall also cause said act to be published for four consecutive weeks in some weekly newspaper published in said county.

Act printed
and distrib-
uted.

Section 23. That it shall be the duty of the judge of the circuit court, sitting for said county, and he hereby is required to give in special charge this act to the grand jury at each term of said court.

Given by
judge in
charge to
grand jury.

Approved March 4, 1907.

No. 280.)

AN ACT

(H. 619.)

(To repeal an act, entitled an act). To prohibit the sale or giving away of alcoholic, spirituous, vinous or malt liquors within six miles of Nances Creek Methodist church in Calhoun county, Alabama, or within the

limits of precinct twelve, Coffee county; or within the limits of Carpenter's precinct in Jackson county; or within four miles of Mt. Nebo church in precinct twenty-seven; Thompson's Camp Grounds or Holy Tree in Bishop's precinct, all within the county of Jackson, or within four miles of the public school building in the city of Bridgeport in the county of Jackson, or within three miles of Weeping Mary church in beat eight, Lee county; or within three miles of Friendship Baptist church in Crenshaw county; or within three miles of Zada church, Rama church, Union Hill church, precinct two, Henry county; or within two miles of Mary Baptist church, precinct or beat fourteen, in Tallapoosa county; or within five miles of Pleasant Grove Baptist church in precinct nine, in Henry county; or within township twenty, range twenty-three in Tallapoosa county; or within four miles of Liberty Baptist church and Young's Chapel Methodist church, Etowah county; or within two miles of Green Hill church, and school house of Green Hill in Lauderdale county; or within Ashville beat, No. 1 in St. Clair county; or within three miles of Pierce's Chapel M. E. church, beat 7, Lee county; or within two miles of Clintonville Academy in Coffee county; or within three miles of White Oak M. E. church, beat 5, in Barbour county; or within three miles of Cave Springs Baptist church, beat 11, in Etowah county; or within three miles of Marvin Chapel church in Pickens county; or within beat nine, in Limestone county; all of the within places are within the State of Alabama, and within five miles of Smith's Chapel, Jackson county; or within the corporate limits of the town of Guin, in Marion county; or within five miles of Canaan church and Woodland church, in Lauderdale county; and to repeal all laws hereto-

fore passed prohibiting the sale, giving away or otherwise disposing of alcoholic, vinous, or malt liquors, or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors within five miles of Pierce Chapel Methodist church in beat 7, Lee county, so far as said laws relate to the territory within five miles of Pierce Chapel Methodist church, passed by the general assembly of Alabama of 1892-1893, and approved on the 21st day of February, 1893, in so far as the same relates to the prohibition of the sale or giving away of alcoholic, spirituous, vinous or malt liquors, within three miles of Zada church, Rama church and Union Hill church, in Houston county, Alabama.

Act repealed
as to parts of
Houston county.

Section 1. Be it enacted by the legislature of Alabama, That an act, entitled, an act, "to prohibit the sale or giving away of alcoholic, spirituous, vinous or malt liquors within six miles of Nances Creek Methodist church in Calhoun county, Ala., or within the limits of precinct twelve, Coffee county; or within the limits of Carpenter's precinct in Jackson county; or within four miles of Mt. Nebo church in precinct twenty-seven; Thompson's Camp Grounds or Holy Tree in Bishop's precinct, all within the county of Jackson, or within four miles of the public school building in the city of Bridgeport, in the county of Jackson; or within three miles of Weeping Mary church, in beat eight, Lee county; or within three miles of Friendship Baptist church in Crenshaw county; or within three miles of Zada church, Rama church, Union Hill church, precinct two, Henry county; or within two miles of Mary Baptist church precinct, in beat fourteen in Tallapoosa county; or within five miles of Pleasant Grove Baptist church in precinct nine, in Henry county; or within township twenty, range twenty-three, in Tallapoosa county; or within four miles of Liberty Baptist church and Young's Chapel Methodist church, Etowah coun-

ty; or within two miles of Green Hill church and school house at Green Hill in Lauderdale county; or within Ashville beat No. 1, in St. Clair county; or within three miles of Pierce Chapel M. E. church, beat 7, Lee county; or within two miles of Clintonville Academy in Coffee county; or within three miles of White Oak M. E. church, beat 5, in Barbour county; or within three miles of Cave Springs Baptist church, beat 11, in Etowah county; or within three miles of Marvin Chapel church in Pickens county; or within beat nine in Limestone county; all of the within places are within the State of Ala.; and within five miles of Smith's Chapel, Jackson county; or within the corporate limits of the town of Guin in Marion county; or within five miles of Canaan church and Woodland church in Lauderdale county; and to repeal all laws heretofore passed prohibiting the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors within five miles of Pierce Chapel Methodist church, beat 7, in Lee county, so far as said laws relate to the territory within five miles of Pierce Chapel Methodist church, be and the same is hereby repealed in so far as the same prohibits the sale or giving away of alcoholic, spirituous, vinous or malt liquors, within three miles of Zada church, Rama church, and Union Hill church, in Houston county, Alabama.

Section 2. That all laws and parts of laws in Repeal. conflict with this law be, and the same is hereby repealed.

Section 3. That this law shall go into effect Effect. immediately upon its passage.

Approved March 4, 1907.

No. 293.)

AN ACT

(H. 831.)

To fix the salary of the judge of the tenth judicial circuit of the State of Alabama at the

sum of forty-five hundred (\$4,500.00) dollars per annum, and to provide for the payment of as much thereof out of the State treasury as shall be paid to other circuit judges of the State of Alabama and for the payment of the remainder thereof out of the treasury of Jefferson county.

Amount of
salary.

How paid.

Repeal.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act the salary of the judge of the 10th judicial circuit of the State of Alabama shall be forty-five hundred dollars per annum of which there shall be paid out of the treasury of the State of Alabama such sum as is now paid to the other circuit judges in this State, at such time, in such installments and in such manner as the salaries of other circuit judges in this State are payable and the remainder of said sum of forty-five hundred dollars shall be paid out of the treasury of Jefferson county, Alabama, upon the warrants of the board of revenue of Jefferson county, Alabama, in quarterly installments.

Section 2. That all laws, general and local, in conflict herewith be, and the same are hereby repealed.

Approved March 6, 1907.

No. 295.)

AN ACT

(H. 767.

To amend section 7 of an act approved October 1, 1903, to amend an act to establish the Tuscaloosa county law and equity court, so as to fix the salary of the judge of said court at twenty-seven hundred dollars per annum payable monthly.

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section 7 of an act approved October 1, 1903, to amend an act to establish the Tuscaloosa county law and equity court, be

amended so as to read as follows: Section 7. Be it further enacted, That section 27 of said act be amended so as to read as follows. Section 27. Be it further enacted, That the judge of said court shall receive a salary of twenty-seven hundred dollars per annum payable monthly. ^{Amount of salary.}

Approved March 6, 1907.

No. 296.)

AN ACT

(H. 557.

To amend an act, entitled an act, to amend an act entitled an act, to regulate the issue of garnishments and the proceedings thereon in the county of Morgan, approved Dec. 9, 1896, so that said act shall read as follows:

Section 1. Be it enacted by the legislature of Alabama, That before any writ of garnishment can be issued by any justice of the peace or notary public and ex-officio justice of the peace in the county of Morgan, the plaintiff or his agent or attorney must make affidavit before some officer authorized to administer oaths, and file with the justice of the peace before whom the suit is pending or the judgment obtained, an affidavit, stating the amount due from defendant to plaintiff, and that no part of the debt upon which the suit is pending is founded, or on which the judgment was obtained, and in aid of which the process of garnishment is sought, is due or was contracted for spirituous, vinous or malt liquors; and that process of garnishment is believed to be necessary to obtain satisfaction of the debt upon which the suit pending is founded, or the judgment obtained against the defendant; and that the person, firm or corporation to be summoned as garnishee is believed to be indebted to the defendant or defendants. ^{Garnishment, issuance of.}

Section 2. That in all garnishments before justices of the peace or notary public and ex-off- ^{Costs.}

How divided. **ficio justice of the peace, the plaintiff shall not recover greater costs than his damages, provided that in no case shall the costs exceed two dollars, and to be divided among those entitled to the same as follows: Justice costs, issuing summons and complaint, fifty cents; issuing writ of garnishment, twenty-five cents; issuing garnishment, affidavit and bond, twenty-five cents; constable's costs, serving summons and complaint, fifty cents; serving writ of garnishment, twenty-five cents; garnishee's fees for answering garnishment, twenty-five cents; and in all cases of garnishment when the garnishee answers not indebted, the costs of said garnishment shall be taxed against the plaintiff in suit.**

Penalty for violation.

Section 3. That for every violation of the provisions of this act by any justice of the peace or notary public and ex-officio justice of the peace, a fine of fifty dollars shall be assessed against the justice of the peace or notary public and ex-officio justice of the peace so offending.

Provisions not applicable to.

Section 4. That the provisions of this act shall not apply to any contract made before its passage.

When writ not issued.

Section 5. That no writ of garnishment shall be issued in any case wherein the justice of the peace or notary public and ex-officio justice of the peace issuing the garnishment, has agreed with the plaintiff, his agent or attorney, that the plaintiff will not be required to pay costs in the event that the costs cannot be made out of the defendant or defendants.

Application.

Section 6. That the provisions of this act shall only apply to the county of Morgan in the State of Alabama.

Application.

Section 7. This act shall only apply to the county of Morgan in the State of Alabama.

Approved March 12, 1907.

No. 298.) AN ACT (H. 679.

To ratify and make legal claims against the fine and forfeiture fund of Walker county all claims issued from March 6th, 1903, to June 9th, 1905, to the sheriff and circuit clerk of said county against said fund for services performed in and for the court acting as the county court of Walker county, and for the circuit court while said court was held or attempted to be held under what was known as the 14th judicial circuit act, approved March 6, 1903. Be it enacted by the legislature of Alabama, as follows:

Sec. 1. That all claims issued to the sheriff and circuit clerk of Walker county, Alabama, against the fine and forfeiture fund of said county from March 6th, 1903, to June 9, 1905, for services performed in and for the court acting as the county court of Walker county, and for the circuit court while said court was held or attempted to be held under what was known as the 14th judicial circuit act, approved March 6, 1903, are hereby ratified and made legal claims against the fine and forfeiture fund of said county. Provided that the provisions of this act shall only apply to those claims which would have been legal and binding had the court for which the service was done or acts performed been a legal court, and provided further that none of said claims or warrants shall be paid until after the same have been submitted to the county auditor for examination, and said auditor shall have thirty days within which to audit such warrants or claims after the same are turned over to him.

Approved March 12, 1907.

No. 299.) AN ACT (H. 149.

For the relief of A. A. Heard, an ex-Confederate soldier, being a resident of Marion county,

Alabama. Whereas, A. A. Heard has long been on the pension rolls of Marion county, Alabama, but for the year 1906 his name was dropped from said roll through mistake.

Relief of A. A. Heard. Section 1. Be it enacted by the Legislature of Alabama, That the State auditor be and he is hereby authorized and required to draw his warrant on the treasury of Alabama for thirty (\$30.00) dollars for said pensioner for the year 1906 to be paid out of any balance in the pension fund of the State by the treasurer of the State of Alabama.

Name restored to pension roll. Section 2. That the probate judge of Marion county, Alabama, and the other pension officers are hereby required to restore the name of said pensioner to the pension rolls.

Approved March 7, 1907.

No. 300.)

AN ACT

(S. 334.)

To vacate and annul that part of Twenty-seventh street, in the city of Birmingham, Alabama, lying between First avenue, north, and Tenth avenue, north, in said city as a public street or highway, and to annul and extinguish the dedication thereof.

Be it enacted by the legislature of Alabama :

Street vacated and annulled.

Section 1. That that part of Twenty-seventh street, in the city of Birmingham, Alabama, between First avenue, north, and Tenth avenue, north, in said city be, and the same is hereby vacated, annulled and abolished as a public street or highway, and the dedication thereof as a public street or highway is hereby extinguished and annulled.

Effect of act.

Sec. 2. That nothing herein contained shall have the effect of releasing said Southern Railway Company, its successors and assigns, from any of the duties and obligations imposed upon

it and them by ordinance No. 6, of the city of Birmingham, Alabama, entitled "An ordinance granting to and confirming in the Southern Railway Company certain franchises and rights in Twenty-seventh street."

Sec. 3. Nothing herein contained shall have the effect to deprive any person or corporation of any right to compensation under the constitution and laws of Alabama for property taken, injured or destroyed. Right to re-cover for property taken.

Approved March 6th, 1907.

No. 301.)

AN ACT

(S. 335.

To vacate and annul the alley-ways in blocks 204, 205 and 206; the east half of the alley-way in block 207, and the east half of the alley-way in block 203, in the city of Birmingham, Ala.; also all that part of Fourth avenue, north, lying between Twenty-sixth street, north, and Twenty-seventh street, north, in said city; also all that part of Sixth avenue, north, extending from the boundary line between lots 18 and 19, in block 207, in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street; also that part of Third avenue, in said city, extending from the boundary line between lots 15 and 16, in block 204, in said city (if projected across said avenue), to the western boundary line of Twenty-seventh street.

Sec. 1. Be it enacted by the legislature of Alabama, That the alley-ways in blocks 204, 205 and 206, as surveyed and laid out in the plan of the city of Birmingham, Ala., and lying between Twenty-sixth street, north, and Twenty-seventh street, north, in said city; the east half of the alley-way in block 207, in said city; and the east half of the alley-way in block 203, in said city; Certain alleys and streets vacated.

also all that part of Fourth avenue, north, in said city, lying between Twenty-sixth street, north, and Twenty-seventh street, north; also all that part of Sixth avenue, north, in said city, extending from the boundary line between lots 18 and 19, in said block 207 (if projected across said avenue), to the western boundary line of Twenty-seventh street, north; also all that part of Third avenue, north, in said city, extending from the boundary line between lots 15 and 16, in said block 204 (if projected across said Third avenue), to the western boundary line of Twenty-seventh street north, in said city, be and the same are hereby annulled, vacated and abolished as public streets or public highways, or alleys respectively, or parts thereof, and the same shall forever cease to be public streets, or highways or alleys, and the dedication thereof as such is hereby extinguished and annulled.

Sec. 2. That nothing herein contained shall have the effect to deprive any person, or any corporation, of any right of compensation under the constitution and laws of the State of Alabama, for property taken, injured or destroyed.

Approved March 6th, 1907.

No. 303.)

AN ACT

(H. 737.

To provide for and regulate the working of the public roads in Tallapoosa county.

Persons liable
to road duty.

Commutation
fee.

Section 1. Be it enacted by the legislature of Alabama, That all male persons between the ages of eighteen and forty-five years, not exempt from road duty under the present laws, shall be required to work on the public roads of Tallapoosa county six full days for each year, or instead thereof shall pay the sum of \$6.00 to be paid to the probate judge of said county, \$3.00 on or by the first day of May, and \$3.00 on or by the first day of October of each year.

Section 2. That the commissioners' court of said county at its last regular meeting in each year shall after having given notice by publication in some newspaper published in said county for twenty days, let to the lowest responsible bidder the contract for repairing the public roads in said county under such specifications as may be determined by said commissioners' court; and provided further, that if there should be no responsible bidder at a price that said commissioners' court is willing to accept for any portion of the public roads, then said commissioners' court shall employ a competent overseer at such wages as they may be able to procure, the sum not to exceed \$2.50 per day, and shall furnish such overseer the names of all persons who are subject to work on such road and with the money to procure such additional labor as may be necessary to work such portion of the public road; before entering on the discharge of his duties such overseer shall take and subscribe the following oath: I-----do solemnly swear that I will faithfully and honestly discharge the duties of the office of overseer for -----road, and will faithfully apply and account for all moneys intrusted to me for the purpose of working such road, and will require of all hands apportioned to such road the number of days work required of them by law, or in lieu thereof the sum of one dollar per day for which such hands fail to work. Which said oath shall be filed with the probate judge in said county; such overseer shall make out a statement each week on blanks to be furnished him for that purpose by the commissioners' court, showing what road or portion of road has been worked by him, the number of and names of the hands who have worked under him on such road who were subject to work on said road, the number of days each one worked, the number of and names of hands employed by him, the wages paid and the number of days each one has worked; said statement shall be sworn to by such over-

Roads let by contract.

Overseer, salary of.

Oath.

Weekly statement of.

seer before some officer authorized to administer oaths which said statement shall be delivered to or mailed to the probate judge, and shall be filed and kept by such probate judge. .

Roads divided
into precincts.

Section 3. That the commissioners' court of said county for the purpose of letting the public roads to contractors to be repaired and kept in order shall divide the roads in said county into such road precincts as the commissioners' court may deem best for the purpose of carrying out this act.

Bond given by
contractor.

Section 4. That whenever the commissioners' court shall let out any road to any contractor they shall take bond from such contractor in double the amount to be paid him, which bond shall be payable to the probate judge of the county, and shall be conditioned for the faithful performance of all duties devolving on him under such contract and that such contractor shall keep such public roads so contracted for by him at all times in good repair.

Hands liable
to road duty
apportioned.

Section 5. That the commissioners' court shall apportion to each road precinct all hands liable to road duty on said precinct, and that the contractor shall call at least twice a year on such hands for the performance at each time of three days work, provided, that such hands not having paid their road tax as herein provided, may in lieu of doing three days work at each call, pay the said contractor the sum of \$3.00.

Contractor
charged with
amount for
hands not pay-
ing road tax,
etc.

Section 6. That when a contract is let for work on public roads, there shall be charged to the contractor by said commissioners' court, \$6.00 for each hand who has not paid to the probate judge his road tax for the year and such contractor shall on his settlement with the commissioners' court be chargeable with one dollar per day for each hand who has worked for him during the existence of his contract, and shall be charged with all money paid to him in lieu of work by persons subject to road duty and shall be credited with such sum as has not been collect-

ed either in money or work, provided the failure to collect is not the fault of said contractor.

Section 7. That it shall be the duty of said contractor to report to a justice of the peace in the county, under oath, the names of all persons failing or refusing after notice, either to do six days work a year or to pay the tax as herein provided, and all such persons shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than \$2.50 for each days default which said fine shall be paid in money and shall go into the road funds of the county.

Contractor to report persons failing to work or pay tax.

Section 8. That all moneys and fines collected under this act shall be kept as a separate fund to be known as the road fund of the county and shall not be used for any other purpose than repairing and building public roads in the county.

Fines, etc. how kept.

Section 9. That the commissioners' court of said county shall supplement the road fund here-in provided for each year from the general funds of the county in such sum as in their judgment the county may be able to appropriate, for the purpose of keeping up the public roads, and as may be necessary for keeping the roads in good repair.

Commissioners court to supplement road fund.

Section 10. That the commissioners' court of said county, for the purpose of locating roads, changing the location of existing roads, shall have authority to contract with parties over whose lands they may desire to run new roads or to change roads now existing, and may condemn lands over which to run such roads as now provided by law, and may for the purpose of carrying out this act employ an engineer to locate new roads or change the location of roads now existing when in their judgment it is necessary.

As to new roads, etc.

Section 11. That on the failure of the commissioners' court of said county to appropriate sufficient funds out of the general funds of the county which together with the special fund herein provided for will be sufficient to keep the public roads in good repair, that any five tax payers who are free-holders and house-holder of the

Insufficiency of appropriation. Proceedings as to increase of.

county may file their petition in the circuit court of such county, or other court of like jurisdiction, setting forth the fact that sufficient funds have not been appropriated to keep the public roads in good repair and that the financial condition of the county is such as to authorize the appropriation of more money than has been appropriated and thereupon the clerk of the circuit court shall issue a notice to the probate judge of the county to appear and show cause why the appropriation should not be increased, and issue shall be made up to determine, First: Whether sufficient sum has been appropriated to keep the roads of the county in good repair. Second, whether the financial condition of the county is such as to warrant the appropriation of money for the purpose of keeping the public roads in repair; which issue shall be tried before the judge of the circuit court or other court of like jurisdiction presiding in such county, and should it be determined by said judge of said circuit court or other court of like jurisdiction, that a sufficient amount has not been appropriated to keep the public roads in good repair, and that the financial condition of the county is such as to warrant the appropriation of a further sum, he shall render judgment directing the commissioners' court to appropriate for such purpose such sum as he may determine ought to be appropriated, and any commissioner failing to obey such judgment shall be in contempt of said court and shall be fined not less than \$100.00, which fine shall be paid in money and shall go into the road fund of the county.

Approved March 12, 1907.

No. 304.)

AN ACT

(H. 630.)

To amend an act to incorporate the town of Jackson, Clarke county, Alabama, approved February 15th, 1897.

Section 1. Be it enacted by the legislature of Alabama, That section one of the act entitled Sec. amended. an act, to incorporate the town of Jackson, in Clarke county, Alabama, approved the 15th day of February, 1897, so far as it applies to the corporate limits of said town, be amended so as to read as follows:

Section 2. That the town of Jackson, in Corporate limits of Jackson. Clarke county, and in the State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall be as follows, to-wit: Beginning at the south-west corner of section 8, T. 6, N. R. 2 E., thence east to the right of way of the Mobile and Birmingham Railway, thence in a northeastwardly direction along the northern boundary of right-of-way to the half mile line of section 8, T. 6, N. R. 2, E., running north and south, thence south along said half-mile line to a point on said half-mile line 250 feet south from the centre of the track of the Mobile and Birmingham Railway where said half-mile line crosses said track of said railway, thence in a northeastwardly direction on a line parallel with said track of said railway to a point on the quarter-mile line of said section 8, T. 6, N. R. 2, E., running north and south, 250 feet from the center of said track of said Mobile and Birmingham Railway where said quarter-mile line crosses the said Mobile and Birmingham Railway track, thence north up said quarter-mile line to the northern boundary of right-of-way of Mobile and Birmingham Railway, thence along the northern boundary of right-of-way to section between section 8 and 9, thence north to the south-east corner of the north-east quarter of the north-east quarter of section 8, thence east to the south-east corner of the north-west quarter of the north-west quarter of section 9, thence north to the north-east corner of the north-west quarter of the south-west quarter of section 4, thence west to the north-east corner of the south-east quarter of section 5, thence north to the north-east corner of section 5, thence north to half-mile line of sec-

Powers of corporation.

tion 32, T. 7, N. R. 2, E., thence west one half mile, thence south one half mile to township line, thence west along the township line to the northwest corner of section 5, thence south along section line between section 5 and 6, and south along section line between sections 7 and 8, to place of beginning, being in sections 4, 5, 8, and 9, T. 6, N. R. 2 E., and in section 32 T. 7, N. R. 2, E., and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of the "Town of Jackson" under and by which name and style the corporate authorities may sue and be sued either in law or equity and may purchase and hold property to the amount of fifty thousand dollars and do all acts incident to bodies corporate and shall have police jurisdiction one mile beyond its corporate limits.

Repeal.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 12, 1907.

No. 305.)

AN ACT

(H. 678.

To ratify and make legal the warrants issued to the probate judge and sheriff of Walker county, Alabama, for services rendered in holding the county court of said county from March 6th, 1903, to June 9th, 1905. Be it enacted by the legislature of Alabama, as follows:

Warrants ratified and made legal.

Sec. 1. That the warrants issued to the probate judge and sheriff of Walker county, Alabama, for services rendered in holding the county court of said county from March 6th, 1903, to June 9th, 1905, are hereby ratified and made legal and the treasurer of Walker county is authorized to pay same. Provided that the provisions of this act shall only apply to those warrants

which would have been legal and binding had the court for which the service was done or acts performed been a legal court, and provided further that none of said claims or warrants shall be paid until after the same have been submitted to the county auditor for examinations, and said auditor shall have thirty days within which to audit such warrants or claims after the same are turned over to him.

County auditor
to examine.

Approved March 12, 1907.

No. 307.)

AN ACT

(H. 566.)

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or other intoxicating drinks within five miles of Foley and within two and one-half miles of the Episcopal church at Magnolia Springs, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That after the passage of this act, it shall be unlawful for any person to sell, give away, or otherwise dispose of spirituous, vinous or malt liquors, or other intoxicating drinks within five miles of Foley and within two and one-half miles of the Episcopal church at Magnolia Springs.

Sale, etc., pro-
hibited.

Section 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than twenty dollars and not more than one hundred dollars.

Penalty for
violation.

Section 3. That this act shall go into effect January 1st, 1908.

Effect.

Approved March 12, 1907.

No. 313.)

AN ACT

(S. 249.)

To provide for the purchase of two surveyors transits for the two commissioned county

surveyors for Calhoun county at the expense of Calhoun county. Be it enacted by the legislature of Alabama:

Purchase of
transits.

Sec. 1. That the two commissioned county surveyors of Calhoun county shall arrange or contract for the purchase of two surveyors' transits for their use as such surveyors with the approval of the court of county commissioners and to be paid for out of the treasury of said county as other claims of said county are paid; each of said transits to cost an amount not exceeding one hundred and seventy dollars (\$170). Said transits shall be and remain the property of Calhoun county but shall be entrusted to the possession and custody of said surveyors and their successors in office who shall be held responsible respectively under their official bond for the safe keeping and preservation of the same; provided however that said transits shall be returned to the court of county commissioners or delivered to such person as they may designate upon written demand by said court upon said surveyor or surveyors.

Repeal.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 12, 1907.

No. 315.)

AN ACT

(S. 261.

To ratify and make legal all claims issued to State witnesses from March 6, 1903, to June 9, 1905, by the clerk of the circuit court of Walker county, or by the judge of the county court of Walker county, or by the person acting as and claiming to be judge of the county court of said county, or the clerk or person acting as clerk of said court, or issued by the foreman of any grand jury organized under what is known as the 14th

judicial circuit act approved March 6, 1903.
Be it enacted by the legislature of Alabama,
as follows:

Section 1. That all claims issued to State witnesses from March 6, 1903, to June 9th, 1905, by the clerk of the circuit court of Walker county, or by the judge of the county court of Walker county, or by the person acting as and claiming to be judge of the county court of said county, or the clerk or person acting as clerk of said court, or issued by the foreman of any grand jury organized under what is known as the 14th judicial circuit act approved March 6th, 1903, are hereby ratified and are made legal claims against the county of Walker to be paid as provided by law. Claims ratified and made legal.

Section 2. Provided that the provisions of this act shall only apply to those warrants or claims which would be legal and binding had the court for which the service was done, or acts performed been a legal court, and provided further that none of said claims or warrants shall be paid until they have been submitted to the county auditor for examination, and said auditor shall have thirty days within which to audit such warrants or claims after they are turned over to him. County auditor to examine.

Approved March 12, 1907.

No. 317.)

AN ACT

(S. 264.

To amend section 2 of an act, entitled "An act to establish a charter for the town of Lineville, Clay county, Alabama, approved December 14th, 1898. Be it enacted by the legislature of Alabama, that section 2 of an act entitled, "An act to establish a charter for the town of Lineville, Clay county, Alabama," approved December 14th, 1898, be, and the same, is hereby amended so as to read as follows:

Corporate limits of Lineville.

Police jurisdiction.

Sec. 2. That the corporate limits of said town of Lineville, shall embrace and include all the territory situate, lying and being within one mile in every direction from a point where Main street and Third avenue intersect in the centre of public square in said town, but in all matters of police jurisdiction the corporate limits of said town shall extend one, and one-half miles, in every direction from a point, where Main street and Third avenue intersects in the center of public square in said town.

Approved March 12, 1907.

No. 319.)

AN ACT

(S. 301.

To dispose of all surplus monies coming into the fine and forfeiture fund of Jefferson County, Alabama. Be it enacted by the legislature of Alabama,

Disposition of provided for.

Section 1. That upon the first days of January and July of each year the county treasurer of Jefferson county shall set apart from and out of the monies then in the fine and forfeiture fund of said county a sum sufficient to pay all the unpaid claims properly registered against said fund and in addition thereto the sum of twenty-five hundred dollars and the balance then remaining in said fund, if any such there be, the said county treasurer shall transfer to and convert into the general fund of said county.

Repeal.

Section 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 13, 1907.

No. 320.)

AN ACT

(S. 303.

To amend an act entitled an act to authorize the court of county commissioners of Jefferson

county to purchase claims against the fine and forfeiture fund of said county.

Section 1. Be it enacted by the legislature of Alabama, That section 2 of an act entitled an act to authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county approved February 18th, 1891, be amended so as to read as follows: Section 2. Be it further enacted, That whenever in the opinion of said court of county commissioners, the finances of the said county of Jefferson justify such procedure, the said court may, by resolution entered upon its minutes direct the county treasurer to advertise for the purchase of claims against the fine and forfeiture fund of said county to such an amount as the court may specify, and to pay therefor such sums as the said court may deem proper not exceeding ninety-five per centum of the face value of such claims. Purchase of claims against fine and forfeiture fund.

Section 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Repeal.

Approved March 13, 1907.

No. 321.)

AN ACT

(S. 328.

To rearrange and extend the corporate limits of the town of Linden, Marengo county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the corporate limits of the town of Linden, Marengo county, Alabama, be, and the same is hereby rearranged and extended so as to include and embrace within the corporate limits of said town the following territory, to-wit: The south-east quarter and the south-half of north-east quarter of section thirty-two; the Corporate limits of Linden.

west half of the south-west quarter of section thirty-three; all in township sixteen, range three east. Also the west half of the north-west quarter, and the north-west quarter of the south-west quarter of section four; the north-east quarter, and the north half of the south-east quarter of section five; all in township fifteen, range three east; all in Marengo county, Alabama.

Repeal.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved March 12, 1907.

No. 324.)

AN ACT

(S. 341.

To amend sections five and fifteen of an act entitled 'An act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section ten of an act approved March 4th, 1903, entitled, 'An act to amend sections nine, ten, and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896,' and to amend section two of an act approved December 13th, 1900, entitled an act to amend sections four and eleven of an act entitled 'An act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896.'

Section 5
amended.

Sec. 1. Be it enacted by the legislature of Alabama, That section five (5) of an act entitled "An act to declare the powers and jurisdiction of the city court of Anniston," approved December 9th, 1896, be and the same is hereby amended so as to read as follows: Sec. 5. Be it further enacted, That said court shall be held and the office of the clerk and the record thereof shall be kept in such place in the city of Anniston as may be provided by the commissioner's

Court, where
held.

court of Calhoun county. Said court shall hold two regular terms in each year; special terms may also be held, when, in the opinion of the judge of said court, it shall be necessary for the proper transaction of business, as provided in section ten (10) of this act. Regular terms of said court shall be held as follows: Beginning on the third Monday in January in each year and continuing until and including the last Saturday in May, and on the first Monday in September in each year, and continuing until and including the third Saturday in December. Said court may be adjourned temporarily at any time, if the business therein does not require its continuous sitting. Non-jury cases shall not be set for trial in September except by consent.

Terms of.

Sec. 2. That section ten (10) of an act approved March 4th, 1903, entitled "An act to amend sections nine, ten and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, be and the same is hereby amended so as to read as follows: Sec. 10. That there shall be a grand jury for each term of said court, which shall be empanelled on the first Monday in September in each year, and shall continue in session until the business coming before it shall have been disposed of; and such grand jury shall have power and authority, and it shall be its duty, to investigate all matters and make all recommendations which the grand jury of the circuit court of Calhoun county has authority to do or make. The judge of said court shall have the authority, whenever he shall deem it expedient, after any grand jury has been discharged and before the summoning of the next succeeding grand jury, to cause to be entered on the minutes an order requiring the sheriff to re-summon the persons who have last served as grand jurors in said court, or to make an order requiring the drawing and summoning of a new grand jury, which order shall be entered upon the minutes of the court; and upon such order being made, not less

Section 10 amended.

Grand jury.

Special grand jury.

Petit juries.

Trial of cases.

than eighteen (18) nor more than twenty-one (21) names shall be drawn from the jury box of said county, in the manner in which special venirens are required to be drawn by law; and shall make an order requiring the sheriff to summon the persons whose names are so drawn, which order the sheriff must immediately execute, and the persons summoned must attend and serve as grand jurors, and from the persons so attending, with such others as may be necessary to supply any deficiency (to be summoned and drawn as in other cases), a special grand jury must be organized, sworn and charged as in other cases, and it shall be the duty of such special grand jury to investigate such offenses as may be brought to their attention, and proceed thereon as a regular grand jury. There shall be petit juries for the trial of causes in said court. That petit juries must be drawn for six weeks of each regular term of said court, but petit jurors for four weeks only shall be summoned, and jury trials shall commence on the fourth Monday in September and the third Monday in March of each year, and may continue for four weeks at each term, should so much time be necessary to dispose of the business on the jury dockets, and provided when ever the judge shall deem it expedient, he may, by order entered on the minutes, either before or at any time during the jury term, require the petit juries drawn for the fifth and sixth weeks, or either of them, to be summoned, and the jury term may continue until the business is disposed of. That the judge shall direct which of the jury weeks of any term shall be devoted to the trial of civil and and which to the trial of criminal cases, and may direct any jury case to be heard during any jury week of said court. And whenever any trial has commenced before a jury and cannot be completed during the week in which the same begun then such trial shall be continued into the next week and until it shall be completed, and such jury shall continue to serve until such case is ended. Provid-

ed, that juries for the trial of capital cases shall be drawn, summoned and empanelled as is now or may hereafter be provided by law for drawing, summoning and empanelling juries for the trial of capital cases in the circuit courts of this State. The challenges of jurors shall be the same as now or may hereafter be provided by law in the circuit courts of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided in this act. The judge of the court may at any time when it is deemed necessary, order a special jury term to be held, either in term time or in vacation, of which such special jury term ten days notice shall be given by publication in a newspaper in said county, which order shall be entered on the minutes and shall specify the number of weeks the special jury term may continue. Petit juries for a special term shall be drawn by the presiding judge. Clerk of the court and sheriff of the county, from the jury box, of the county and shall be summoned and empanelled as, in the case of petit juries for regular terms.

Sec. 3. That section fifteen (15) of an act entitled "An act to declare the powers and jurisdictions of the city court of Anniston," approved December 9th, 1896, be and the same is hereby amended so as to read as follows: Sec. 15. Be it further enacted, That the supreme court shall have appellate and supervisory jurisdiction over said court, and cases in law and equity may be appealed or removed to said supreme court in the same manner and under the same rules that cases are appealed or removed from the circuit and chancery courts of the State, and the appellate and supervisory jurisdiction of the supreme court, or the judge thereof as over the chancery courts or chancellors, and all bills of exceptions shall be presented to and signed by the judge of said city court within thirty days after the trial of a cause, or, when a motion for a new trial is made, within thirty days from the ruling upon

Appeals to supreme court.

Bills of exceptions.

such motion, and in the latter case such bill of exception may present for review the matters occurring on the trial of the cause as well as those occurring on the hearing of the motion; but the time may be extended by order of the court in term time, or by the judge in vacation or by agreement of counsel filed in the cause, and when the time has been extended, it may again be extended either by the court or judge in vacation or by agreement of counsel. The beginning of a new term shall not effect any extension under the provisions of this section, provided, no bill of exceptions shall be signed after six months from the date of the final judgment. All motions for new trials must be made within thirty days from the trial of the cause.

Section 2
amended.

Jury trial in
civil cases.

Sec. 4. That section two (2) of an act approved December 13th, 1900, entitled "An act to amend sections four, and eleven of an act entitled an act to declare the powers and jurisdictions of the city court of Anniston, approved Dec. 9th, 1896," be and the same is hereby amended so as to read as follows: Sec. 2. Be it further enacted, That section 11 of said act be amended so as to read as follows: Sec. 11. Be it further enacted, That in all civil cases at law in said court the issue and question of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or when the cause is at issue, by endorsing such demand on the summons and complaint or other process, or by the defendant or other party at his appearance by endorsing such demand in writing on the plea, or demurrer, or other pleadings, provided that when a cause is transferred to said city court, the demand for a jury shall be made at the time of the application for said transfer, and a failure to demand a jury as above directed shall be deemed and held a waiver of the rights of a trial by jury, and, provided that when a case is brought to said court by appeal, or by writ of certiorari, the demand for a jury shall be made

at or before the first sounding of said case; and provided, further that when a case shall have been tried without the intervention of a jury, and a new trial granted by the court, or when the same shall have been reversed by the supreme court, that either party to the cause may demand a jury, provided that such demand is made at the first sounding of the cause thereafter. That in all cases decided by the court without the intervention of a jury the court shall make a special finding of the facts in writing, if so requested by either party which special finding shall be filed in the cause and shall be a part of the record in the case, provided that on appeal such special finding shall have no greater weight than any other findings of the judge as provided in section 12 of this act.

Approved March 12, 1907.

No. 325.)

AN ACT

(S. 342.

To regulate the practice in the circuit court of Calhoun county.

Sec. 1. Be it enacted by the legislature of Alabama, That in all civil cases in the circuit court of Calhoun county, the defendant shall appear and plead ten (10) days before the beginning of the term of said court at which said cause shall be at issue, provided service shall have been perfected not less than thirty (30) days before the beginning of said terms and in all other cases the defendant shall appear and plead within twenty (20) days after the service of summons and the perfection of service, provided that the service is perfected in twenty (20) days before the beginning of the term.

Defendant to
appear and
plead.

Sec. 2. That all civil cases in said court shall be tried by the court without a jury, unless a jury shall be demanded in writing by the plaintiff at the time of filing the complaint, or when said

Trial of civil
cases.

cause is at issue, or by the defendant upon his appearance, provided, that all cases brought to said circuit court by appeal, or writ of certiorari shall be tried without a jury unless a jury shall be demanded by the plaintiff or the defendant before the first day of the term at which said cause shall stand for trial.

Business of
first week.

Sec. 3. That the first week of each regular term of said court shall be devoted to the settlement of pleadings and the trial of non-jury cases, and a jury shall not be summoned for the first week of said term.

Special terms
for non-jury
cases.

Sec. 4. That special terms of said court for the trial of non-jury cases may be called by the court in term time, or by the judge in vacation, by an order entered on the minutes of the court not less than ten (10) days before the first day of said special term.

Questions pre-
sented to su-
preme court
for review.

Sec. 5. That in the trial of any cause at law without a jury in said circuit court, in addition to the questions which may be presented under existing laws to the supreme court for review, either party may by bill of exceptions also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as the supreme court shall deem right.

Approved March 12, 1907.

No. 348.)

AN ACT

(H. 388.

To repeal an act entitled an act to incorporate the South Side Reading Club of Birmingham, Ala., approved February 13, 1897. Be it enacted by the legislature of Alabama:

Section 1. That an act entitled, an act to incorporate the South Side Reading Club of Birmingham, Ala., approved February 13, 1897, be and the same is hereby repealed. Act repealed.

Section 2. This act shall take effect on and after the first day of July, 1907. Effect.

Approved July 13, 1907.

No. 351.) AN ACT (S. 266.

To make the office of judge of the city court of Anniston, in Calhoun county, Alabama, elective by the qualified electors of Calhoun county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That at the general election to be held on the first Tuesday after the first Monday in November, 1908, and every sixth year thereafter, there shall be elected by the qualified electors of Calhoun county, Alabama, a judge of the city court of Anniston, Alabama, who shall hold office for a term of six years from the 1st day of January, 1909, and until his successor shall be elected and qualified. Election; when held.

Section 2. That all laws and parts of laws, general, special, or local in conflict with the provisions of this act be and the same are hereby specially repealed. Term of office.

Approved July 13, 1907.

No. 359.) AN ACT (S. 327.

To amend section 7 of an act entitled an act to amend an act to regulate the trials of misdemeanors in Bibb county, approved December 14, 1894.

Section 1. Be it enacted by the legislature of Alabama, That section 7 of an act to amend an Section 7 amended.

Violations of
prohibition
laws, where
tried.

act entitled an act to regulate the trial of misdemeanors in Bibb county, approved December 14, 1894, be amended so as to read as follows: Section 7. Be it further enacted, That all cases or prosecutions for any and all violations of the special or local prohibition law for Bibb county, Alabama, for selling, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or intoxicating beverages without a license and contrary to law within the limits of said county, for selling, giving away or otherwise disposing of spirituous, vinous or malt liquors to minors within the limits of said county, and for soliciting orders for the sale of any spirituous, vinous or malt liquors within the limits of Bibb county, or for any violation of any general prohibition law of the State of Alabama within the limits of Bibb county, Alabama, shall be tried exclusively by the circuit court of Bibb county, Alabama, and the said circuit court shall have exclusive jurisdiction of said cases; but prosecutions of cases for all other misdemeanors committed in Bibb county, Alabama, and commenced by affidavit, indictment or otherwise and which are now triable by the county court of Bibb county, Alabama, shall be tried by said county court as follows, viz.: All such cases arising in beats 1, 9, 10, 11 and that part of beat 6 of said county which lies north and west of Little river shall be returnable to and shall be tried at the terms of said county court held at Blocton—that is, in the Blocton division of said court, and all of such cases or prosecutions arising in beats 2, 3, 4, 5, all that part of 6 south and east of Little river, 7, 8 and 12 of said county shall be tried at the terms of said county court held at Centerville—that is, in the Centerville division of said county court, and the said county court of Bibb county, Alabama, shall have exclusive jurisdiction of said cases last above named which are now triable in said court.

Other mis-
demeanors,
where triable.

Section 2. That all laws and parts of laws in conflict with this act, are hereby repealed.

Repeal.

Approved July 17, 1907.

No. 360.) AN ACT (S. 258.

To repeal an act entitled an act to constitute the town of Blountsville and vicinity, in Blount county a separate school district, approved Feb. 5, 1885.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled an act to constitute the town of Blountsville and vicinity, in Blount county a separate school district, approved Feb. 5, 1885, be and the same is hereby repealed.

Act repealed.

Approved July 17, 1907.

No. 365.) AN ACT (H. 384.

To repeal an act entitled "An act to incorporate the Trullan Club," approved March 2, 1901.

Be it enacted by the legislature of Alabama :

Section 1. That an act entitled "An act to incorporate the Trullan Club," approved March 2, 1901, be, and the same is hereby repealed.

Act repealed.

Approved July 17, 1907.

No. 366.) AN ACT (H. 607.

To prevent the sale of intoxicating liquors within certain limits in the corporate limits of the city of Talladega and to punish violations of the same.

Unlawful to
sell in certain
limits.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage of this act it shall be unlawful for any person to engage in the business of selling intoxicating liquors in any form within the limits hereinafter set forth in the corporate limits of the city of Talladega, viz.: between the track of the Southern Railway on East street in said city and a point on said East street 300 feet south of the First Baptist church of Talladega, or at any point within 300 feet of any church in said city.

Penalty for
violation.

Section 2. That any person engaging in the sale of intoxicating liquors within the prescribed limits shall forfeit his license to sell intoxicating drinks, and shall, on conviction for the violation of the provisions of this act be fined not less than fifty nor more than five hundred dollars which fine shall be paid in money.

Approved July 17, 1907.

No. 367.)

AN ACT

(H. 829.)

To further regulate the fine and forfeiture fund of Hale county, Alabama.

Claims regis-
tered.

Section 1. Be it enacted by the legislature of Alabama, That all claims payable out of the fine and forfeiture fund of Hale county, Alabama, that have heretofore been properly approved, but not registered as provided by the act of the general assembly of Alabama, approved Feb. 26, 1881, entitled "An act to regulate the fine and forfeiture fund of Hale county," can now be registered by the treasurer of Hale county, Alabama, and when so registered shall be paid by the treasurer of said county as other claims against the fine and forfeiture fund of said county, and in the order of their registration.

How paid.

Repeal.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved July 17, 1907.

No. 368.)

AN ACT

(H. 828.

To alter and re-arrange the boundaries of the town of Newberne, in Hale county, Alabama.

Section 1. Be it enacted by the legislature of ^{Boundaries of} Alabama, That the corporate limits of the town ^{Newberne.} of Newberne, in Hale county, Alabama, shall embrace the lands contained within the following boundaries, and none other, viz.: Bounded on the east by the line between the counties of Hale and Perry, on the south by the section line between sections 25 and 36, of township 19, range five east, on the west by sections 26 and 23, township 19, range five east, and on the north by a line running along the south side of Marion public road to the intersection of Main street of said town of Newberne, and thence due west to western boundary of said town of Newberne, Alabama, as herein defined.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. ^{Repeal.}

Approved July 17, 1907.

No. 369.)

AN ACT

(S. 223.

Making it a misdemeanor to sell, give away, or otherwise dispose of in Mobile county, within three miles of section nine, township two, north, range one, east, spirituous, vinous or malt liquors or intoxicating bitters or beverages.

Section 1. Be it enacted by the legislature of ^{Unlawful to} Alabama, That any one who shall sell, give away ^{sell, etc.} or otherwise dispose of' spirituous, vinous or malt liquors or intoxicating bitters or beverages, in Mobile county, within three miles of section nine, township two, north, range one, east, shall be guilty of a misdemeanor.

Penalty for
violation.

Section 2. Any one convicted of violating the provisions of this act shall be fined not more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Approved July 19, 1907.

No. 370.)

AN ACT

(S. 72.

To appropriate all monies received by the city of Attalla, in this State, as saloon license, to school purposes and to the payment of the interest on the bonded debt of the said city.

Election as to.

How monies
appropriated.

Be it enacted by the legislature of Alabama, That on and after the passage of this act, or as soon thereafter as the same shall have been ratified by a majority vote of the legal voters of the city of Attalla, in this State, at an election to be held for such purpose, one-half of all monies received by the said city of Attalla as saloon license, is hereby appropriated and set apart for the maintenance of the public schools of said city, and the same shall be paid over by the city clerk to the treasurer of the school board in said city for such purpose. The other half of the saloon license so received is hereby appropriated and set apart to the following uses, to-wit: One thousand dollars is hereby appropriated and set apart to meet the regular interest charges on the present outstanding bonded indebtedness of the said city of Attalla, consisting of twenty thousand dollars of five per cent bonds. The remainder so received as such saloon license is hereby set apart and appropriated as a public school building fund and shall be paid over by the city clerk to the treasurer of the school board of said city, to be used exclusively as a fund for repairing or rebuilding the public school buildings of the city of Attalla, and should the said school board of

the said city of Attalla anticipate the receipt of this fund by incurring any indebtedness in the repairs to any public school building of the said city of Attalla or in rebuilding the same, such debt or debts so incurred shall not bear more than six per cent interest, and shall be exempt from all taxes, State, county and municipal; and should at any time a surplus of either fund herein specifically created accumulate in the hands of the treasurer of the said school board the same may be, at the discretion of the said school board, covered back into the treasury of the said city of Attalla and to no other purpose, to be applied to the regular expenses, and uses of the said city of Attalla. All laws and parts of laws in conflict with any of the provisions of this act, be and the same are hereby repealed. ^{Repeal.}

Approved July 19, 1907.

No. 371.)

AN ACT

(H. 752.

To vacate and annul that part of Ninth street from the alley extending through blocks 228 and 229 on which is the right of way of the Louisville and Nashville R. R., south to the alley extending east and west through blocks 268 and 269 and also that part of Seventh street that extends from the right of way of the Louisville and Nashville R. R. south to the right of way of the Southern Railway Company in the town of North Birmingham, Ala., as public streets or highways and to annul and extinguish the dedication thereof. Be it enacted by the legislature of Alabama:

Sec. 1. That that part of Ninth street from the alley extending through blocks 228 and 229 on which is the right of way of the Louisville and Nashville Railroad Company, south to the alley ^{Streets vacated and annulled.}

extending east and west through blocks 268 and 269 and also that part of Seventh street that extends from the right of way of the Louisville and Nashville Railroad Company south to the right of way of the Southern Railway Company in the town of North Birmingham, Ala., be and the same is hereby vacated, annulled and abolished as public streets or highways and the dedication thereof as public streets or highways is hereby extinguished and annulled.

Approved July 23, 1907.

No. 372.)

AN ACT

(H. 176.)

To regulate the payment of claims against the fine and forfeiture fund of Talladega county.

Section 1. Be it enacted by the legislature of Alabama, That all claims against the fine and forfeiture fund of Talladega county shall be paid in the order of their registration.

Witness certificates valid claims.

Section 2. That all State witness certificates which have heretofore been registered against the fine and forfeiture fund of Talladega county and which were issued by the foreman of grand juries of said county prior to 1896, shall, upon the approval of this act, be and become valid claims against said fine and forfeiture fund as of date of registration.

List of claims published.

Section 3. That upon the approval of this act the county treasurer of Talladega county shall publish once a week for three successive weeks in some newspaper published in Talladega county, Alabama, a list by numbers of all unpaid claims against the fine and forfeiture fund of Talladega county of which he has record, which have been registered against said fund, and which bear the numbers from 1 to 2672, and shall give notice in such publication to the owners or holders of such claims

so registered to present the same to him for payment on or before a date to be named in said publication, not less than sixty days from the date of said publication is commenced.

Section 4. That all of such claims set forth in section 3 above, which are not presented to said treasurer on or before said date so named in said publication for payment shall become subordinate in payment to all claims which have been registered against said fine and forfeiture fund prior to the time at which said claims shall afterwards be presented in the event any of said claims are presented for payment after the expiration of the time named in said publication. Effect of failure to present claims.

Section 5. That all laws and parts of law in conflict with this act shall be and are hereby repealed. Repeal.

Approved July 19, 1907.

No. 374.)

AN ACT

(H. 757.

To legalize and authorize the payment of certain warrants inadvertently and improperly issued by the commissioners' court of Monroe county, against the fine and forfeiture fund of said county.

Section 1. Be it enacted by the legislature of Alabama, That the following warrants inadvertently and improperly issued by the commissioners' court of Monroe county, Alabama, registered, numbered, and for the amounts following respectively, against the fine and forfeiture fund of said county, that is to say warrant No. 37, for seventy-four dollars, warrant No. 73, for twenty-five dollars, warrant No. 74, for twenty-five dollars, warrant No. 71, for twenty-five dollars, warrant No. 38, for sixty dollars, warrant No. 68, for twenty-five dollars and warrant No. 342, for one hundred and fifty-six dollars, be and the Payment of warrants legalized.

same are hereby legalized, and the treasurer of said county is hereby authorized to pay the same out of said fine and forfeiture fund in the same manner as other proper claims are paid out of said fund.

Other war-
rants legal-
ized.

Section 2. That all other warrants issued by said commissioners' court, under like circumstances, against said fine and forfeiture fund, that have been duly registered, be and the same are hereby legalized, and the treasurer of said county is hereby authorized to pay the same as other claims against said fund are paid.

Approved July 19, 1907.

No. 375.)

AN ACT

(H. 766.

To amend section 1 of an act, approved February 15, 1899, entitled, an act to amend an act entitled an act to establish the Tuscaloosa county law and equity court, approved December 9th, 1896.

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section 1 of an act approved February 15, 1899, entitled an act to amend an act entitled an act to establish the Tuscaloosa county law and equity court, approved December 9th, 1896, be amended so as to read as follows: Sec.

Where court
held.

5. Be it further enacted, That said court shall be held at the court house of Tuscaloosa county or such place as may be designated by the presiding judge thereof; that said court shall hold two regular terms in each year, the first term beginning the first day of January and continuing until the first day of July of each year, the second term beginning the first day of July and continuing till the first day of January next following. During the regular terms of such court the judge thereof may take such recesses and adjournments, from time to time, as may to him seem proper, and may hold any special term or session of such court when he may deem it neces-

Terms of.

sary or proper. The judge of said court shall have power to make and adopt all such rules of practice and proceedings for such court as he may deem proper, and to amend the same as he may desire, such rules to be entered upon the minutes of the court, and may be changed or amended by the supreme court of the State; and if the judge of the court shall not appear on the first day of any term of the court, or succeeding days, the court shall stand adjourned from day to day, till the judge does appear. Sec. 6. Be it further enacted, That in the absence of any special jury law, for the county of Tuskaloosa, that the grand and petit juries for said county, shall be drawn, empanelled and sworn as juries are, and may be, in the circuit courts of said county. But in case of a special jury or provision law for Tuskaloosa county, the juries for said court may be drawn, impanelled and sworn according to such special law or provision; provided, however, that the judge of said court may order two or more juries to be drawn, summoned, impanelled and selected for any term, and for any purpose, and for any number of days, whenever in the discretion of the judge, it may be necessary. Sec. 8. Be it further enacted, That in the trial of every case, both civil and criminal, on complaint or indictment of which this court has jurisdiction, each and every person or party to said cause shall be entitled to a trial by jury; provided, that in misdemeanor cases said court shall try both the law and the facts, except when trial by jury is demanded by defendant in writing, and filed with the clerk of said court within ten days after he is arrested, or taken into custody, or after the court herein established assumes jurisdiction of said cause. Sec. 9. Be it further enacted, That all criminal causes now or hereafter pending in the circuit courts of Tuskaloosa county, may on the agreement of the defendant or his counsel, and the solicitor of the circuit court, be transferred to this court for trial and that all civil causes now or hereafter pending in the circuit

Rules of practice, etc.

Juries, how drawn, etc.

Trials by jury.

Transfer of criminal cases.

Time of trial
in capital
cases.

or chancery courts of Tuskaloosa county, may, on agreement of all parties or their attorneys be transferred to this court for trial such agreement must be in writing, and filed with the clerk or register of the circuit or chancery court, whereupon such officers shall certify and transfer such papers to the docket of this court, and file therein all the original papers, together with certified copies of all docket and minute entries in said causes, and thereupon this court shall acquire exclusive jurisdiction of such causes so transferred; provided that on the removal of said causes to this court from the circuit or chancery courts, a jury shall be considered waived, unless a jury is demanded at the time of agreement or transfer of such cause, by some one of the parties or the attorneys to the cause. Sec. 28. Be it further enacted, That no defendant shall be put upon trial for any offense which may be punished capitally within five months from the time of the commission of the alleged offense, unless the defendant consent thereto in writing for a trial within a shorter time.

Approved July 19, 1907.

No. 376.)

AN ACT

(H. 551.

To amend an act entitled an act to authorize and require the commissioners court of Pickens county to set apart and appropriate money from the general fund of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and the clerk of the circuit court of said county fees which by law become a good claim against the fine and forfeiture fund of said county as hereinafter provided in section two of this act, and to regulate the manner of said payments, and fixing the amount of said witness fee, approved December 13, 1900.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to authorize and require the commissioners court of Pickens county to set apart and appropriate money from the general fund of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and the clerk of the circuit court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county as hereinafter provided in section two of this act, and to regulate the manner of said payments and fixing the amount of said witness fee, approved December 13, 1900, be and the same is hereby amended so as to read as follows: Act amended.

Section 2. That the county treasurer of said county is hereby authorized and directed to place all moneys now or hereafter accruing to the fine and forfeiture fund of said county to the credit of the general fund of said county, and to pay state witnesses before the grand jury and the circuit court of said county their fees and all other claims now payable or hereafter payable out of such fine and forfeiture fund out of such general fund of the county. Moneys placed to credit of general fund.

Section 3. That State witnesses in attendance before the grand jury of said county shall be entitled to a certificate from the foreman of the grand jury for the sum of seventy-five cents per diem for attendance and five cents per mile traveled each way; while attending court and for ferriage actually paid, and the State witness in attendance upon the circuit court of said county shall be entitled to a certificate for attendance, mileage and ferriage in like sum and at the same rates as provided for witnesses before the grand jury in this section to be signed by the clerk of the circuit court. Witness fees before grand jury.

Section 4. That it shall be the duty of the county treasurer of said county on presentation of any of the certificates provided for in the foregoing section to pay the same without further endorsement from such general fund of the county. Circuit court.
County treasurer to pay same.

ty and to cancel the same, keeping a record of the amount of the same which certificates shall be vouchers for the said treasurer on his settlement, provided said certificates shall be presented for payment within six months after the issuance of the same, or on failure shall be forever barred.

Conviction of defendant, fees, etc., charged as costs.

Section 5. That in cases in which the defendant is convicted the amount of certificates issued as above provided for shall be charged as costs against said defendant and collected as other costs and shall be paid into the treasury of said county to the credit of said general fund.

Clerk to certify to treasurer amount of certificates issued.

Section 6. That within thirty days after the adjournment of the regular or any special term of the circuit court of said county, it shall be the duty of the clerk of said court to certify to the county treasurer, the amount of the certificates of witnesses before the grand jury and State witnesses in the circuit court in each case where the State has secured a conviction, and when said witness fees are collected it shall be the duty of the clerk to pay the same over to the county treasurer, and for performing said service he shall be entitled to a fee of fifty cents for each case where there is a conviction so certified.

Fees of clerk.

Repeal.

Section 7. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved July 19, 1907.

No. 377.)

AN ACT

(H. B. 817.

To repeal an act entitled an act to provide a fund to be used exclusively for the support of a paid fire department in the city of Mobile, approved February 21, 1889.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act to provide a fund to be

used exclusively for the support of the paid fire department in the city of Mobile, approved February 21, 1889, be and the same is hereby expressly repealed.

Approved July 19, 1907.

No. 381.)

AN ACT

(H. 797.

To require the commissioners court of Marion county to advertise for bids for the building of public bridges and other public improvements for at least thirty days before the same is let in some newspaper published in said county and to provide for the manner of letting or receiving bids for same.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be the duty of the court of county commissioners of Marion county to advertise for bids for the building of all public bridges and all other public improvements in said county in some newspaper published in the county for at least thirty days before the same is let. Advertise-
ment for bids.

Section 2. That all bridges and other public improvements to be hereafter let by the court of county commissioners of said county shall be let to the lowest bidder at public outcry at the time and place advertised, and no sealed or secret bids shall be received; provided, that nothing in this act shall prevent the court of county commissioners from requiring all bidders to make bond for the purpose of indemnifying the county against loss by reason of such bid. Bridges, etc.,
let to lowest
bidder.

Section 3. That it shall be the duty of the court of county commissioners to keep plans and specifications of all public bridges and other public improvements to be let on file in the office of the judge of probate of said county for at least thirty days before the same is let for public inspection. Plans and spec-
ifications
kept on file.

All bids may
be rejected.

Section 4. That if at such letting the lowest bid received by the court of county commissioners is a greater price than in their judgment should be paid for building such bridge or other public improvements, then it shall be the duty of said commissioners to reject such bid.

Repeal.

Section 5. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved July 19, 1907.

No. 383.)

AN ACT

(H. 129.

To repeal an act entitled an act to establish a board of police commissioners for the city of Bessemer, Alabama, to provide for the appointment of such commissioners to define their powers and duties and to regulate the police department of the city. Approved March 3, 1903. Be it enacted by the Legislature of Alabama, as follows:

Act repealed.

Section 1. That an act entitled an act to establish a board of police commissioners for the city of Bessemer, Alabama, to provide for the appointment of such commissioners, to define their powers and duties and to regulate the police department of the city. Approved March 3, 1903, be and the same is hereby repealed.

Approved July 19, 1907.

No. 384.)

AN ACT

(H. 705.

To change the boundary line of the incorporation of the town of Wilsonville in Shelby county, Alabama.

Act amended.

Section 1. Be it enacted by the Legislature of Alabama, That section 1, No. 508 of an act of

1896-1897 to incorporate the town of Wilsonville in Shelby county, be and the same is hereby amended, making Four Mile Creek the line on the northwest from where the western line crosses said creek down to Range line between range one and two east, thence north along range line to where it intersects the original line. Boundary line of Wilsonville.

Section 2. That all laws and parts of laws in conflict with this act be and is hereby repealed. Repeal.

Approved July 19, 1907.

No. 385.) AN ACT (H. B. 774.

To detach election precinct number nine (9) in St. Clair county, known as Ragland election precinct from the southern judicial division of the county and attach the same to make it a part of the Northern judicial division of St. Clair county and to confer jurisdiction with right to hear and try all matters and causes civil and criminal arising in said election precinct, on the circuit court, chancery court, probate court, county court and commissioners court of the northern judicial division of said county, with place of holding court at Ashville in said county; in the same manner and to the same extent as if said election precinct had never been attached to and made a part of the southern judicial division of said St. Clair county.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act election precinct number nine (9) in St. Clair county, known as Ragland election precinct be and the same hereby is detached from the southern judicial division of St. Clair county and attached to and made a part of the northern judicial division of said county. Election precinct No. 9 detached from southern division and added to northern.

Section 2. That in all matters civil and criminal arising in said election precinct jurisdiction for the trial of all such matters and causes is Jurisdiction as to matters arising in.

hereby given and conferred on the circuit court, chancery court, probate court, county court and commissioners court of the northern judicial division of St. Clair county, with place of holding court at Ashville in said county, in the same manner and to the same extent as if said election precinct had never been attached to and made a part of the southern judicial division of said county.

Repeal.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed.

Approved July 19, 1907.

No. 386.)

AN ACT

(H. 839.

To better provide for the working of the public roads in Pike county, Alabama, prescribe rules and regulations for the same, and prescribe penalties for the violation of the provisions of this act.

Appointment
of overseers.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Pike county be and they are hereby authorized and empowered to appoint one overseer of public roads for each election precinct in said county, who shall serve for one year from the time of his appointment, and who shall before entering upon the discharge of his duties as such overseer enter into bond in such sum as the court shall prescribe and take an oath faithfully to discharge all the duties imposed upon him to the best of his skill and judgment without partiality or favor, which oath shall be in writing and subscribed by him and filed and recorded in the office of the probate judge of said county.

Bond and oath.

Duty of overseer.

Section 2. That it shall be the duty of said overseers to do and perform the following duties and services: (1) They shall within thirty days,

after their appointment, make out a list of all persons subject to road duty within their respective precincts, and furnish a copy of the same to each of the following officers of the county, viz: probate judge, tax assessor, and tax collector. (2) They shall work and keep in repair the public roads of their respective precincts under the general orders and directions of the court of county commissioners, and to this end the court of county commissioners shall have power and authority to hire and employ hands and labor for this purpose, and to authorize such overseers to employ hands and laborers to work the public roads of their respective precincts, when in the judgment of said court such labor is necessary. (3) They shall have power and authority, and it shall be their duty, to call out the hands and persons subject to work on the public roads of their respective precincts, at their discretion and to work with the same ten days in the year. (4) They shall report to the grand jury any and all persons who fail to discharge their duties with reference to the public roads within their respective precincts. (5) To prosecute all defaulters for not working on roads as hereinafter provided. (6) They shall have power to dismiss from services any hand, whether working for himself or as a hired hand who shall fail or refuse to do good and faithful work, or who shall hinder or delay other hands or who shall refuse to obey any reasonable orders, and any such person shall be liable to the same punishment as if he had failed to obey the notice to work on the road to which he was warned. (7) They shall take care of all tools and implements turned over to them by the county commissioners, and shall use the same only to work on the public roads, and shall deliver them to their successors, or on the order of the county commissioners. (8) It shall be the duty of each precinct overseer to report to a justice of the peace within his respective precinct all defaulters who have failed to attend after having been notified to do so also all hands who

have failed or refused to faithfully perform their duty, also all persons who have interfered with others in the discharge of their duties, within ten days after such default, under oath, and such justice shall forthwith issue a warrant of arrest for all who are so returned, and cause them to be brought before him, and proceed against them as in other criminal causes in which he has jurisdiction. (9) Such overseers shall discharge all such other duties as may be required of road overseers and apportioners by the general laws of Alabama.

Compensation
of.

Section 3. That said oversers shall receive as compensation for their services such sum as may be allowed and fixed by the commissioners court at or prior to the time of their appointment, to be paid out of the county road funds.

Removal of.

Section 4. That the county commissioners court shall have the power at any time to discharge any overseer who may fail to discharge any duty that may be lawfully required of him; and each of said county commissioners must inspect all public roads in his respective district at least twice in each year and report to the court the condition he finds them in.

County com-
missioners to
inspect roads.

County may
borrow money.

Section 5. That in order to better carry out the provisions of this act, the commissioners court of Pike county is hereby authorized and empowered to borrow in the name of the county money for not longer than one year at a time and at an interest not to exceed 8 per cent per annum for which they shall issue the county's warrants, and which, when due, shall be a charge against any funds in the county treasury not otherwise appropriated.

Rate of inter-
est.

Days required
to be worked.

Section 6. That all persons liable to work on the public roads of Pike county shall work full ten days in each calendar year, and at such times and places within their respective precincts as may be directed by their respective precinct overseers; provided, however, that all persons arriving at the road duty age during the year, and persons coming into said county during the

year, shall be liable at the rate of ten days per year for the remainder of the year.

Section 7. That all male persons between the age of 18 and 45 years, except those who are exempt from road duty under the general laws of Alabama, are liable to work on the public roads of Pike county; provided, however, that any person liable to road duty in said county may relieve himself from such liability by paying to the county treasurer of Pike county, on or before the first day of February of the year in which he is so liable, the sum of four dollars, and the county treasurer's receipt for said sum shall be a full acquittance to such persons for such year of his liability to road duty in said county; provided, however, that persons arriving at the road duty age during the year, and persons coming into said county during the year, may relieve themselves from such liability by paying to the county treasurer, within thirty days after they arrive at said road duty age or come into the county at the rate of four dollars per annum for the remainder of the year.

Persons liable
to road duty.

Commutation
fee.

Section 8. That the treasurer of Pike county shall receive all such monies as are paid to him under the provisions of this act, and receipt therefor, and pay the same into the general road fund of the county; and he shall report to the county commissioners court and account for the same in the same manner as he is required to do for the other county funds.

Monies re-
ceived applied
to road fund.

Account for
same.

Section 9. That the general laws now in force in Alabama with reference to the mode of warning hands to work on the public roads, the length of notice to be given, and the kind of tools and implements to be brought by the hands, and as to defaulters in road working, and the prosecution and punishment of the same, shall apply in all cases in this county and under this law, except as herein otherwise provided.

Warning hands
etc.

Defaulters.

Section 10. That if any person warned who is liable to road duty fails to attend, or send an acceptable substitute, with the proper tools,

Penalty for
failure to per-
form duty.

agreeable to the notice; or fails faithfully to perform his duty; or who interferes with other hands in the discharge of their duty; shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one nor more than \$50.00 dollars for each offense, and justices of the peace shall have jurisdiction to try and determine such cases.

Offices abolished.

Section 11. That the office of road apportioner and road overseer, except as herein provided, be and they are hereby abolished in the county of Pike.

Effect.

Section 12. That this act shall go into effect and become operative on the 1st day of January, 1908.

Repeal.

Section 13. That all laws and parts of laws in conflict herewith be and they are hereby repealed so far as Pike county is concerned.

Approved July 19. 1907.

No. 387.)

AN ACT

(S. 385.

To authorize the county of Limestone to construct public roads and to provide the method and manner of their construction and building.

Road commission provided for.

Section 1. Be it enacted by the Legislature of Alabama, That the county of Limestone, by and through a road commission consisting of five persons to be appointed by the court of county commissioners of said county of Limestone, is hereby authorized to build and construct a system of macademized or gravelled public roads.

Purpose of.

Roads constructed.

Section 2. That it shall be the duty of said road commission, immediately after its appointment, to proceed to build and construct public roads in said county, beginning at the corporate line of the town of Athens, in said county, and shall build and construct the following roads:

The road now called the Huntsville road;
 The road now called the Decatur road;
 The road now called the Lucas Ferry road;
 The road now called the Brown Ferry road;
 The road now called the Florence road;
 The road now called the Buck Island road;
 The road now called the Jones Ferry road;
 The road now called the Prospect and Athens
 road;

The road now called the Lower Elkton road;
 The road now called the Upper Elkton road;
 The road now called the Fayetteville road;
 The road now called the Nick Davis road;
 The road now called the Athens and Moores-
 ville road;

The said roads shall be built and located as here-
 in described and the commissioners are hereby
 required to locate the road beds on the most suit-
 able ground and run the same in the most direct
 route that is practicable; and the said commis-
 sioners shall have the right to enter, locate, and
 build or cause to be built on or through the
 premises of any persons, after condemning the
 same for the use of the county, or paying there-
 for a reasonable compensation by agreement
 with the owners of such land, and when the com-
 missioners and the owners of such lands cannot
 agree, then the same proceedings may be had as
 is now or hereafter provided by law when the
 line of a public road is altered or changed, or
 lands condemned to public use.

How built, etc.

Condemna-
 tion for road
 purposes.

Proceedings
 when commis-
 sioners and
 land owners
 disagree.

Section 3. That said road commissioners
 shall have the right to take and use in the con-
 struction and building of said roads, or cause
 to be taken, such quantities of stone, gravel, or
 other material, adjacent or contiguous thereto,
 or elsewhere in said county, as may be neces-
 sary, paying such reasonable compensation for
 the same as may be just and proper, and when
 said commission and owners of said material
 cannot agree upon the amount of the compensa-
 tion, the said commissioners are hereby author-
 ized to take such proceedings as may be neces-

Right to take
 stone, gravel,
 etc.

sary, and as is now, or may hereafter be provided by law, for condemnation of said materials to public use.

Section 4. That said road commissioners shall have the right to fix the width, amount of gravel or stone or grade on any particular road; provided, said roads shall be laid out at least thirty feet wide, ten feet of which shall be bedded with stone or gravel, and the grade not more than one foot in ten; provided further, said commissioners may use their discretion as to grading of hills or roads up hills where such hills are particularly steep; provided further, that in the discretion of said road commissioners the above may be changed as in their judgment seem best.

Width of road,
etc., etc.

Roads may be
surveyed.

Employment
of engineer.

Section 5. That said road commissioners so qualified shall proceed to their duties within 15 days after their selection as such. Said road commissioners shall, if they deem it necessary, first proceed to have surveyed and laid off the roads mentioned herein, and for this purpose they may employ an engineer or surveyor and such other needful help as they may deem proper, to be paid for out of the fund now on hand, being the proceeds of the sale of bonds by the county of Limestone for the purpose of constructing public roads.

Contract for
roads.

No. of miles.

Bond.

Section 6. That immediately after the completion of the location and surveying of said roads, or any one of said roads within their discretion, the said road commissioners shall offer so much or all of said road to the lowest responsible bidder, or so many miles of said road, not less than one nor more than twenty miles, to be built by any one contractor, who shall be required to give a good and sufficient bond, payable to the county of Limestone, in the sum of the amount of such bid, for the faithful performance of his said contract; and said bonds may be made through any lawfully authorized guarantee or security company doing business in this State, and all such bonds shall have the force and effect of official bonds in this State and

the same shall be approved by the said road commissioners. The said commissioners are required to give notice by posting notices in every precinct in said county, and by advertising in some newspaper for 30 days, that the contracts are to be made for having said roads built, requesting bids therefor and referring all bidders to the road commissioners for plans and specifications for each mile thereof; if, after said time, any portion of said roads has not been bid for, the commissioners may proceed to build or have built such portion, in such manner as, in their judgment, seems best and proper, and if any bidder whose offer to build any part of any road, is, in the judgment of said commissioners, unreasonable and too high, they may reject said bid, and proceed to build said roads as they may deem proper, by contract or otherwise, or by constructing the same according to their best judgment; provided, said road commissioners shall, at all events, construct, or cause to be constructed said roads, and complete the same within two years from the date of their selection as such commissioners; and no commissioner selected under the provisions of this act shall become a contractor, or be interested in any wise, directly or indirectly, in a contract, to construct any part of said roads.

Advertise for bids.

Bids may be rejected.

Commissioner not to be interested in contract.

Section 7. That all contractors, within twenty days after acceptance of their respective contracts, shall proceed to the fulfillment thereof, and shall be required to perform the same to completion within ten months from the date of such contract. Provided the said road commissioners may, in their discretion, extend the time of fulfillment two months to any and all contractors.

Time in which contract must be completed.

Section 8. That said commissioner selected under this act shall be entitled to compensation as follows: The president, who shall be named as such by the court of county commissioners of said county, shall receive \$3.00 per day for each

Compensation of commissioners.

President cus-
todian of
funds.

Bond of pres-
ident and
members.

Record kept
by presi-
dent.

day actually occupied in attending to his duties as such commissioner and president; the other four shall be entitled to \$2.50 per day each for the time actually engaged in their said work in whatsoever manner. The president shall be, and he hereby is made, the custodian of the proceeds of the sale of the \$135,000.00 of bonds issued by the county of Limestone; and he shall pay any and all contracts made by said board and for all money coming into his hands he shall receive as compensation for handling the same one-tenth of one per cent; and the said president shall be required to give a good and sufficient bond, which may be made by some responsible guarantee or surety company now authorized to do business in this State, in the sum of \$25,000, payable to the county of Limestone, and which said bond shall be conditioned, and shall have the same force and effect, as bonds of county treasurers are now and now have under the law with respect to the money of counties coming into their possession; and the said president, together with the other members of said board of road commissioners, shall each execute a bond payable to the county of Limestone in the sum of \$1,000.00 for the faithful performance of their duty as such road commissioners and said bonds shall have the force and effect of official bonds under the law and may be made by any responsible guarantee or surety company now authorized by law to do business in this State. The said bonds mentioned in this section shall be approved by the judge of probate of said county; provided further, the said commissioners shall receive their compensation out of the said sum realized by the sale of bonds of said county heretofore mentioned. And the president of said board of road commissioners shall keep a complete record of all money coming into his hands, and of all the amounts disbursed by him, and he shall further show by this record all the business done as directed under the provisions of this act. The said record just mentioned

shall be kept in the office of the judge of probate of said county, and shall be a public record.

Section 9. That the said road commissioners, including the president, shall be selected by the court of county commissioners within ten days after the passage of this act and their selection, together with the designation of such one as president, shall be recorded in the minutes of the said court of county commissioners; and each member of said road commission shall be a resident citizen of the county of Limestone. Vacancies occurring in said road commission shall be filled in the same manner as the original commissioners are selected. And it is hereby made the duty of the Board of Road Commissioners for the county of Limestone to call a meeting of said Board at least once in every three months, for the purpose of transacting such business as may come before said board which may be necessary to the faithful discharge of their duties in carrying out the intent of this act. And the president and members of said Board shall make a full report to the court of county commissioners of said county once every quarter, and shall settle with said court of county commissioners once every six months until said board of road commissioners have completed the work for which said board was selected.

Election of
commission-
ers.

Vacancy;
how filled.

Meetings of.

Quarterly re-
ports.

Section 10. It shall be the duty of said road commissioners to build and construct out of the funds above mentioned herein an equal number of miles, as near as may be, upon each of the lines of roads hereinabove mentioned; provided that when a road mentioned herein branches off from another road that part of the road common to both shall be considered a part of each road; and provided that the Decatur road from corporate line of Athens to the McComb's cross road shall be considered part of the Athens and Mooresville road.

Equal No. of
miles con-
structed on
each road
mentioned.

Decatur road
part of Athens
and Moores-
ville road.

Section 11. That said road commissioners, if any of said funds are left, after having constructed on each of said roads hereinabove mentioned

Funds re-
maining after
roads built:
disburse-
ment of.

Limit as to
meetings of
board.

Funds de-
posited in
bank.

Effect.

at least ten miles of road, computed according to section 10 hereof shall apply the balance of the fund which may be left to the construction of the roads in other portions of the county as in their judgment and discretion will best subserve the interests of the greatest number of people.

Section 12. That said road commissioners shall not meet oftener than once a month; provided they may meet oftener upon a special call of the president of said road commission.

Section 13. The president of said road commission shall, if possible, deposit the funds coming into his hands in such banks as will pay interest on such funds; provided said banks are safe and solvent.

Section 14. This act shall take effect upon its approval by the Governor.

Approved July 23, 1907.

No. 392.)

AN ACT

(S. 375.

To repeal an act entitled "An act to incorporate the town of Hayneville."

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled "An act to incorporate the town of Hayneville," approved December 15th, 1831, be and the same is hereby repealed.

Acts amend-
ing repealed.

Section 2. That all acts amending the said act entitled "An act to incorporate the town of Hayneville" be and the same are hereby repealed.

Approved July 23, 1907.

No. 395.)

AN ACT

(H. B. 761.

To extend the police powers and jurisdiction of the city of Sylacauga over and about the property and premises of the Central Mills,

a corporation under the laws of Alabama in the vicinity of said city, in the county of Talladega and to empower the corporate authorities to exercise police jurisdiction over the said Central Mills property and within the limits of one hundred and fifty feet from the boundary lines thereof.

Section 1. Be it enacted by the Legislature of Alabama, That the city of Sylacauga shall have and exercise all the police power and jurisdiction conferred by the charter of said city, day and night, over and upon the property and premises of the Central Mills in the vicinity of said city, in the county of Talladega and around said Central Mills property and premises within the limits of one hundred and fifty feet from the boundary lines thereof. Police power extended.

Section 2. That the city of Sylacauga through its corporate authority shall have power to punish all offenses, committed upon the property or premises of said Central Mills or within one hundred and fifty feet from the boundary lines thereof, the same as if such offenses had been committed within the corporate limits of said city. Power to punish offenders.

Section 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed in so far as they conflict with the provisions of this act. Repeal.

Approved July 24, 1907.

No. 396.)

AN ACT

(H. B. 686.)

To repeal an act entitled an act to regulate the trial of misdemeanors in Madison county, approved February 23rd, 1899, Acts 1898-99, page 1553, and to transfer all causes and proceedings pending in the county court of Madison county as regulated or established by said act, and all dockets and records thereof, to the law and equity court of Mad-

- ison county, and to give such court jurisdiction of such causes and proceedings, and full power and authority thereover. Be it enacted by the Legislature of Alabama :
- Act repeal-
ed. 1. An act to regulate the trial of misdemeanors in Madison county, approved February 23rd, 1899, Acts 1898-99, page 1553, is hereby repealed.
- Causes trans-
ferred. 2. All causes or proceedings pending in the county court of Madison county, as regulated or established by said act upon indictment complaint or otherwise are hereby transferred to the law and equity court of Madison county, which shall have as full and complete power and jurisdiction to hear and determine the same, and to issue all process therein, and to exercise all authority thereover, as if the same had originated therein; and the dockets and records of such county court shall become a part of the dockets and records of such law and equity court.
- Duty of clerk. 3. The clerk shall take charge of all such causes and proceedings and the papers, dockets and records of said court, and enter such causes or proceedings on the docket of said law and equity court.
- Bonds, etc., re-
turnable to. 4. All bonds, recognizance and forfeiture, taken by or returnable to said county court, are hereby made returnable to said law and equity court, and shall stand therein as if originally taken thereby or returnable thereto.
- Repeal. 5. All laws and parts of laws in conflict with the provisions hereof are hereby repealed.
- Approved July 25, 1907.

No. 397.)

AN ACT

(H. B. 687.)

To repeal all statutes and laws establishing county courts, and proceedings therein, with monthly terms, for the trial of misdemeanors, (Code 4593 et seq.) so far as the county

of Madison is concerned. Be it enacted by the Legislature of Alabama,

1. All statutes and laws establishing county courts and proceedings therein, with monthly terms, for the trial of misdemeanors, are hereby repealed, so far as the county of Madison is concerned. Laws, etc., as to county courts repealed.

2. All laws and parts of laws in conflict with the provisions hereof are hereby repealed. Repeal.

Approved July 25, 1907.

No. 398.) AN ACT (H. 897.)

To change the boundary line between the counties of Cleburne and Calhoun.

Section 1 Be it enacted by the Legislature of Alabama, That the boundary line of Cleburne county and Calhoun county be so changed that sections one (1), two (2), three (3), ten (10), eleven (11), twelve (12), in township seventeen (17), south, range eight (8), east, in Cleburne county be taken from the territory of Cleburne county and added to the territory of Calhoun county; and that sections twenty-one (21), twenty-eight (28), twenty-nine (29), thirty-one (31), thirty-two (32), thirty-three (33), in township fourteen (14), south, range ten (10) east, in Calhoun county be taken from the territory of Calhoun county, and added to the territory of Cleburne county. Sections added to Calhoun county.

Approved July 25, 1907.

No. 399.) AN ACT (H. 912.)

To repeal an act entitled an act "to constitute a board of jury commissioners for Crenshaw county, approved February 7th, 1899."

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act "to constitute a board of jury commissioners for Crenshaw county approved February 7th, 1899," be and the same is hereby repealed.

Approved July 25, 1907.

No. 400.)

AN ACT

(H. 932.)

To vacate and annul as a public street or highway that part of Seventh or Twenty-third street in the town of North Birmingham, Alabama, which lies northwestwardly of the northern line of Avenue A or Thirty-sixth Avenue and southwestwardly of the southern line of Avenue B or Thirty-seventh Avenue, and to extinguish and annul the dedication thereof.

Street vacated and annulled.

Section 1. Be it enacted by the Legislature of Alabama, That that part of Seventh or Twenty-third street in the town of North Birmingham, Alabama, which lies northwestwardly of the northern line of Avenue A or Thirty-sixth Avenue and southwestwardly of the southern line of Avenue B or Thirty-seventh Avenue, be and the same is hereby annulled, vacated and abolished as a public street or highway, and the dedication of the same as such is hereby extinguished and annulled.

Approved July 25, 1907.

No. 401.

AN ACT

(H. 1033.)

Providing for the more efficient working of the public roads in Wilcox county; to provide for the revenues for the same, including a vehicle license; to divide the county into five road districts; and to appoint and elect road

supervisors and overseers for the same; to provide for the appointment of one civil engineer; to provide for a commutation of \$7.50 per capita in lieu of work; and such other details as may be necessary for the working of the public roads in Wilcox county.

Section 1. Be it enacted by the Legislature of Alabama, That whereas it is necessary, and in order to have good roads in Wilcox county, the court of county commissioners of Wilcox county, each year shall levy a special tax of one and one half mills, or fifteen cents on each one hundred dollars upon the taxable property of Wilcox county, which shall be a part of the amount authorized by the constitution to be levied for county purposes, and to be assessed, levied, and collected, and when paid into the county treasury, it shall be kept separate from other funds, and used only for the purposes of this act.

Section 2. Be it further enacted, That one-fourth of the net profits arising from the sale of liquors in the dispensary or dispensaries, or from county licenses for the sale of liquors, shall be exclusively appropriated to the road fund of Wilcox county and used only for the purpose of working and improving the public roads of Wilcox county.

Section 3. Be it further enacted, That all funds received by Wilcox county from the hire of county convicts, and any funds that may be received from the State for the hire of convicts shall be used only for the improvement and working of the public roads of Wilcox county.

Section 4. Be it further enacted, That all male inhabitants of Wilcox county, between the ages of eighteen and forty-five, and not exempt from road duty under the general laws of Alabama shall be required to work upon the public roads of said county ten days in each year, or instead, and before the first day of March of each year shall pay to the tax collector, or his deputies, in

Commuta-
tion fee.

commutation of said road service the sum of seven dollars and fifty cents, which shall be paid to the county treasurer, for the exclusive use of the road fund; provided, however, that inhabitants of incorporated towns in Wilcox county who pay street incorporation tax shall not be required to pay road tax. Any one subject to road duty, who moves into the county after January 1st of each year shall work a prorata number of days or pay a prorata commutation tax in lieu of said work at the rate of seven dollars and fifty cents per annum. Ten hours shall constitute a day's work from April 1 until September 30th, and nine hours shall constitute a day's work from October 1st to March 31st of each year.

No. of hours
a day worked.

Privilege tax
on vehicles,
amount of.

Section 5. Be it further enacted, That each party, firm or corporation, who owns a log cart, shall pay a privilege license to Wilcox county of ten dollars for each log cart per annum, and each party, firm or corporation, who owns a log dray shall pay a privilege license of seven dollars and fifty cents for each log dray to Wilcox county, and each party, firm or corporation, who owns any vehicle that is used for traveling purposes, shall pay a privilege license of fifty cents per annum for each vehicle so used in Wilcox county. All sums so collected shall be paid to the tax collector for the exclusive use of Wilcox county. It shall be the duty of each firm or saw mill company or individual or any corporation when called upon by the beat overseer to furnish a list of their employes to the beat overseer.

Employment
of civil engi-
neer.

Salary and
duties.

Section 6. Be it further enacted, That the court of county commissioners shall employ a civil engineer who shall be paid such compensation as said county commissioners may deem proper and just. It shall be the duty of said county engineer to lay off and survey the roads of any beat in the county, when a majority of the qualified voters of any beat shall petition the county commissioners to do so. The county engineer shall examine all bridges in the county; furnish plans and specifications as to cost of

bridges, grading roads, opening ditches or other information concerning the working of the public roads of Wilcox county, that may be desired by the county commissioners, or at the request of the district road supervisor, when he is so authorized by the county commissioners.

Section 7. Be it further enacted, That the road year shall begin the first day of January and end the thirty-first day of December in each year; provided, however, that this road law shall go into effect on August 1st, 1907, and the court of county commissioners shall meet immediately and appoint district road supervisors, as is hereafter provided for in this act, to serve until the general election in November, 1908, and to make to effective the provisions of this act.

Beginning and ending of road year.

Appointment of supervisors.

Section 8. Wilcox county is hereby divided into five road districts which shall be composed as follows: District number one shall be composed of the following beats towit: Lower Peach Tree, Bethel, and Clifton beats, and in the latter beat is also included Whitehall precinct. District number two shall be composed of the following beats, towit: Prairie Bluff, Boiling Springs, Rehoboth, and Gee's Bend beats. District number three shall be composed of the following beats towit: Mount Hope, Ackerville, Snow Hill, Allenton, and Bonham's beats. District number four shall be composed of the following beats towit: Awin, Pine Apple, Fox Mill, and Mim's beat. District number five shall be composed of the following beats towit: Blacks Bluff, Camden, Rockwest, Canton and Sedan beats.

County divided into 5 districts.

Section 9. That at the general election to be held in November, 1908, there shall be elected five road supervisors, who shall serve for four years; each of the supervisors shall be a resident of the district from which he is elected. Provided, however, that at a term of the commissioners' court to be held in August, 1907, five road supervisors shall be appointed by the county commissioners, who shall each be a resident of the several districts from which they are ap-

Election, etc., of supervisors.

pointed, and who shall serve until the general election in November, 1908, and until their successors qualify.

- Section 10. Each district road supervisor shall receive four dollars a day, for each day's actual service, but for a term not exceeding fifty days in any one year. Before entering upon the discharge of his duties as district road supervisor, he shall give bond in the sum of four hundred dollars for the faithful performance of his duties, which bond shall be approved by the probate judge as now required by law. It shall be the duty of the district road supervisor at the beginning of each year to see that the beat overseers make a new and correct list of all road hands in the several beats in his district at the beginning of the year. He shall assist the beat overseers to apportion the road hands anew in accordance with and within the time required by law. The road hands being required to work the roads without regard to beat lines, if in the judgment of the road supervisor and beat overseer, it is necessary for the public good that this should be done. The road supervisors shall cause the beat overseers to measure every public road in the beats in which they have jurisdiction before March 1st, 1908. New roads that may hereafter be established shall also be measured. Each measurement shall be made correctly, and affidavits shall be made of measurements in each beat, and filed with the probate judge, for record in the county road book. The district road supervisor shall cause to be made suitable sign boards, showing the number of miles to the court house, or other noted place to which the road leads; also to have erected suitable index boards at all crossings or forks of public roads; and with proper directions pointing to the most noted place to which the road leads; to build small bridges that have been ordered by the county commissioners; to build causeways; to keep in order the ford of any stream, when any bridge has been washed away; to remove fallen timbers;
- Pay of supervisors.
- Bond.
- Duty as to road hands.
- Roads to be measured.
- Sign boards.
- Other duties.

or other obstructions in the road; to cut down dead or dangerous trees, that may be along side the public road. It shall further be the duty of each district supervisor, to examine each road in his district at least in each quarter. He shall attend each regular term of the grand jury of the county, and report under oath, the condition of the roads in his district, and answer all questions concerning the same; as to whether the overseers have worked the roads, the number of days and within the time required by law; and failing so to attend or to discharge any duty now or hereafter imposed upon him, he is guilty of a misdemeanor, and must at once be indicted by the grand jury. Immediately upon entering upon the discharge of his duties the district road supervisor shall appoint one road overseer for each beat in his district; provided, however, that if in his judgment it becomes necessary to appoint more than one road overseer for each beat, he shall obtain the permission of the county commissioners before making the additional appointment. Each district road supervisor in making out his account for service rendered shall state the date upon which such service was rendered and the beat and road upon which he gave such service.

Section 11. The beat overseers shall receive for each days actual service the sum of two dollars per day, but such service shall not exceed one hundred dollars in any one year and the number of days of work shall be at the discretion of the district road supervisors. Each beat overseer in making out his account for service rendered shall state the date upon which such service was rendered and the road of the beat to which he gave such service. Before entering upon the discharge of his duties, each beat overseer shall give his bond to be approved by the probate judge and duly recorded in the sum of two hundred dollars for the faithful discharge of his duties. The beat overseers shall be appointed for two years from November, 1908, pro-

Pay of beat
overseers.

Bond of.

Appointment

of.

Roads, when
not worked.

vided, however, that those overseers appointed in August, 1907, shall serve only until the general election in November, 1908. Be it further enacted, that except in cases of emergency, the public roads of Wilcox county shall not be worked from May 1st to July 15th of each year.

Duties of beat
overseers.

Section 12. It shall be the duty of the beat overseer in addition to the heretofore mentioned duties prescribed for them to call all hands subject to work in the beat to notify them to appear at a designated place, to notify them two days before being called out to appear except in cases of emergency, when only one day's notice shall be necessary, and he shall work them for ten full days in each year. Should it become necessary to hire teams, wagons, or mules, then he shall make this requisition upon the district road supervisor, who shall authorize the beat overseers to make such contracts but no contract as aforesaid shall be made until the approval has been had of the county commissioners. Overseers may excuse defaulters when they show a good excuse under oath, which oath is to be properly administered to the defaulter within five days after defaulting. If no excuse is rendered by a road defaulter then the road overseer shall immediately proceed against the defaulters as now required by law. The road overseer shall report to the district road supervisor all new road hands who may come into the beat after January 1st, or at any time during the year. The district road supervisor shall report these new names to the probate judge, who shall enter them on the county road book as heretofore prescribed in section

Defaulters,
may be ex-
cused.

Reports as to
new road
hands.

District road
supervisor re-
sponsible for
tools, etc.

Section 13. The district road supervisor shall be responsible for all road machinery and tools entrusted to his keeping and care, he shall take a receipt from the road overseer for each tool delivered to him, he may authorize the road overseer of each beat to erect a tool house, or rent a room or house in which to store and protect the county road machines and tools. A written

report shall be made to the county commissioners of all tools received and on hand or that may be broken or lost, when he shall mention how they were lost and said report shall be entered in the county road book. Written report as to.

Section 14. The probate judge shall keep in a well bound book which shall be known as the county road book the name of all district road supervisors and beat overseers together with the dates of their appointment or election; also, a list of all hands subject to the road duty in each beat, which list shall be furnished the probate judge by the district road supervisor not later than March 1st of each year. He shall also keep a list of commutation taxes paid in each beat and also a list of privilege license paid on log carts, log drays, and vehicles, which list shall be furnished each three months to the probate judge by the tax collector. The probate judge shall collect all moneys due the county from the dispensary or dispensaries, and also all moneys due the county from the hire of convicts, which shall be paid once a month or as soon as received to the county treasurer for the use of the public roads of the county. The probate judge shall furnish to the tax collector blanks, stub receipts, properly numbered, which shall be used by the tax collector for receipts for payment of commutation road taxes and privilege vehicle licenses. These stub receipts shall be retained by the tax collector until October 15th and then they shall be delivered and kept on file by the probate judge of the county and beat overseers. The probate judge shall issue commissions to the district road supervisors. The county road book shall at all times be accessible and open for public examination. Contents of books Probate Judge required to keep.

Other duties of probate judge.

Section 15. All claims for the purchase of road machinery, road tools, for hire or teams, or mules or horses, or for the purchase of lumber, tiling, timbers, gravel, or rock, or other material necessary for working or maintaining the public roads of the county, when they have been con- Claims for purchase of tools, etc., itemized and sworn to before presented for payment.

Duties and
powers of com-
missioners
court.

tracted for by either the district road supervisor or overseer shall be itemized and sworn to by the beat overseer who shall then present the same to the district road supervisor for approval when the claim or account shall then be presented to the court of county commissioners for payment.

Section 16. The court of county commissioners shall have direct supervision of all public roads, bridges, ferries, and road funds of the county. No account or purchase shall be made of any kind or character unless the approval has first been obtained of the county commissioners. Whenever they deem it necessary, one or more of the county commissioners shall visit any portion of the county for purpose of examining public roads or proposed new roads or bridges, or any contemplated road improvement. They shall audit and order the payment of all claims against the road funds which are to be paid only from road funds. They shall examine as often as they shall deem it necessary the stub receipts and the books of the tax collector that relate to road funds, but such examinations shall be had at least twice in each year. They may remove from office district road supervisors or overseers for incompetency or neglect of duty, and may fill the vacancies thus created by appointment to fill the unexpired term. They may visit foundaries, or commercial cities in Alabama, when they may think the welfare of the county requires them to do so in making contracts for the purchase and erection of bridges. They shall purchase for each road district a road machine and such other necessary tools as may be required as soon as funds are in the county treasury to the credit of the road fund. When in their judgment it is necessary to do so they may as prescribed by law condemn any land by paying therefor the proper value and may also condemn timber when the necessities of the road require that this shall be done, paying therefor proper value for the same. Be it further enacted, that immediately after the completion of a

special road, a member of the court of county commissioners, residing in said district shall contract with some responsible party or parties, or they may authorize the district supervisor beat overseer to drag the same with a split log dray while muddy and as often as necessary to keep same in perfect condition. Said contractor may be a person working out road duty time, and a receipt signed by the road overseer for said work shall be a receipt against said road duty for the year in which said work is done. They shall issue warrants to the district road supervisors and beat overseers for services rendered by them and duly certified once every three months.

Section 17. The sheriff must deliver within fifteen days after appointments are made for district supervisors and overseers a copy of the order of such appointment and other notices of road duty or service. The copy shall be delivered in person if practicable, otherwise the sheriff or his deputy shall leave the same at the usual place of residence and return the original with endorsement of service to the probate judge, and, failing therein, the sheriff shall be guilty of a misdemeanor. Sheriff to notify appointees, manner of.

Section 18. No district supervisor or beat overseer shall be drawn upon or serve upon any grand jury while acting as such. Supervisors and road overseers shall enumerate all log carts, log drays and vehicles in each beat of the county, and report the same to the probate judge of the county to be recorded in the road book on March 1st and September 1st of each year. Supervisors and overseers exempt from grand jury. Vehicles, etc., enumerated and reported to Probate Judges.

Section 19. Any justice of the peace, who refuses or fails to issue a warrant for such road defaulter or any lawful officer who fails or refuses to promptly execute such warrant, shall be guilty of a misdemeanor. Failure of officers to discharge duty as to defaulters.

Section 20. Railroad companies who fail to erect good road crossings, where the railroad crosses any public road or street, or fails to Failure of railroad companies to erect crossings.

	grade down any embankment, or, when necessary, fails to erect a bridge across any public road or street shall be guilty of a misdemeanor.
County treasurer to receive funds.	Section 21. The treasurer of the county shall receive all funds from all stated and future road sources, to-wit: The special road taxes; the funds received from dispensaries; the hire of county convicts; the commutation road tax; and the vehicle tax privilege; and he shall keep a well bound book, to be known as the treasurer's road book, a separate account of all moneys received from each fund as above stated. He shall not pay any claim against said fund, except by order or warrant drawn by the probate judge when said officer is authorized to do so by the county commissioners. He shall at least twice a year report to the county commissioners the amount received and disbursed on account of the road fund. For these additional services to be rendered by the county treasurer, he shall receive besides the sum now authorized by law, an annual sum of two hundred dollars, to be paid semi-annually by warrant and out of the road fund.
How kept.	
Claims, payment of.	
Report.	
Compensation.	
Fees of tax collector.	Section 22. The tax collector shall receive for the collection of each commutation tax the sum of twenty-five cents; for the collection of each log cart or log dray, privilege license, twenty-five cents; and for each vehicle, privilege license, five cents; and for collecting the special road tax, he shall receive the usual commissions now allowed by law. It shall be the duty of the tax collector to report to the county commissioners any party who refuses to pay any of the taxes heretofore enumerated once each month.
Duty to report parties falling to pay.	
Unlawful to drive, etc., across bridge faster than walk; also to shoot across public road.	Section 23. It shall be unlawful to drive or ride or cross any bridge out of a walk, or to shoot across any public road and any person violating the provisions of this section shall be liable to indictment for having committed a misdemeanor.
Who may be appointed beat overseer.	Section 24. The district road supervisor may appoint as a beat overseer a competent person,

who is not liable to road duty, whose age does not exceed sixty years, and is a resident of the beat from which said appointment is made.

Section 25. It shall be the duty of the probate judge and the county commissioners to print five hundred copies of this road law, and distribute them judiciously among the people of the county.

Section 26. The probate judge shall receive, in addition to the amounts now allowed by law, the sum of one hundred dollars as compensation for additional road duties devolving upon him under the provisions of this act.

Section 27. That the commissioners' court may enact such other detailed rules to carry in to effect the special provisions of this bill, as they may deem necessary, providing that no rule shall be enacted by them that is not in accordance with this act.

Section 28. That all laws of a general or special character in harmony with this act, are unaffected by its provisions, but all laws of a general or special character in conflict with its provision are hereby repealed.

Approved July 25, 1907.

No. 402.)

AN ACT

(H. 690.)

To require the county board of education of Wilcox county to audit and pass upon the accounts of the district trustees of the several school districts in Wilcox county of the funds paid over to them by the superintendent of education of Wilcox county, arising out of the dispensary at Camden to be used by them for school purposes.

Sec. 1. Be it enacted by the legislature of Alabama, That the county board of education for Wilcox county, be and is hereby required at a session on the 1st Monday in September in each

County board to audit certain accounts.

year, to require the trustees of all the school districts in Wilcox county to file with said county board of education, their several accounts properly verified before some officer, who is authorized to administer on oath of all the money severally paid to them by the superintendent of education of Wilcox county, arising out of the dispensary at Camden, and to pass upon and audit said accounts.

Approved July 25th, 1907.

No. 405.)

AN ACT

(H. 795.)

To prohibit any person or corporation from selling, giving away, delivering or otherwise disposing of spirituous, vinous or malt liquors or other intoxicating bitters or beverages in Marion county, Alabama, prescribing that a delivery shall constitute a sale, and prescribing a penalty for the violation of said law.

Selling, etc.,
prohibited.

Delivery made
a sale.

Unlawful to
ship or bring
into for an-
other.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, firm or corporation to sell, barter, exchange, give away, lend, deliver or otherwise dispose of any spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines in Marion county, Alabama, and a delivery of any spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines in said county is hereby declared to constitute as sale thereof whether the person so delivering receives the pay for same or not.

Section 2. That it shall be unlawful for any common carrier, person or corporation to ship, bring or carry into Marion county from any place or point within this State for the use of any other person other than himself, herself or itself, or to procure or obtain for any other per-

son in said county any spirituous, vinous, or malt liquors, intoxicating beverages, bitters or proprietary medicines.

Section 3. That it shall be unlawful to take or solicit in Marion county any order, or orders, for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines or to carry within or from said county any such order or orders. Unlawful to take or solicit orders.

Section 4. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not less than three months, nor more than twelve months at the discretion of the court. Penalty for violation.

Section 5. That if any section, provision or part of this act shall for any reason be, or be held by any court of competent jurisdiction to be invalid, inoperative, or void, the residue of this act shall not be thereby invalidated or affected. Invalidity of section inoperative as to act.

Section 6. That it is not the purpose of this act to repeal any local prohibition law or other prohibition law now in effect in Marion county. Purpose of act.

Approved July 25, 1907.

No. 406.)

AN ACT

(H. 963.

To authorize the Lee county court of law and equity to revive and enforce judgments, decrees, orders and proceedings entered prior to July 1st, 1907, in the circuit, chancery and county courts of Lee county.

Section 1. Be it enacted by the legislature of Alabama, That the Lee county court of law and equity be and it is hereby authorized and empowered upon proper proceedings therein instituted, and in conformity with the statutes in such cases Authorized to revive judgments, etc.

Writs of execution, etc., authorized to issue.

respectively made and provided, to revive all judgments, decrees, orders, and proceedings entered prior to the first day of July, 1907, in the circuit court, the chancery court and the county court of Lee county in this State.

Section 2. That the Lee county court of law and equity be and it is hereby authorized and empowered to issue, on all judgments, decrees, orders and proceedings entered in the circuit court, the chancery court, and the county court, of Lee county, such and all writs of execution and other writs as may be necessary, to give full force and effect to all such judgments, decrees, orders and proceedings, the same as if they had been entered in the Lee county court of law and equity.

Approved July 25, 1907.

No. 407.)

AN ACT

(H. 69.

To authorize the court of county commissioners of Colbert county to pay the executor or administrator of the estate of James H. Simpson, late clerk of the circuit court of said county for services rendered by the said James H. Simpson as such clerk for keeping the minutes of the circuit court of said county during the years 1897, 1898, 1899, 1900, 1901, 1902, 1903, the account for said service being barred by section 1420 of the code.

Authority to pay.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Colbert county be and is hereby authorized to pay to the executor or administrator of the estate of James H. Simpson, late clerk of the circuit court of Colbert county, out of the general fund of said county for services rendered as such clerk by the said James H. Simpson for keeping the minutes of the circuit court of said

county during the years 1897, 1898, 1899, 1900, 1901, '02 '03 under the provisions of "An act to provide for the payment of clerks of the circuit court in certain counties of the State of Alabama for keeping the minutes of the circuit court in said State approved February 18th, 1898." The account for said services having been barred by the provisions of section 1420 of the code.

Approved July 25, 1907.

No. 408.)

AN ACT

(H. 888.

To provide for the establishment of a branch of the circuit court of Barbour county; to define its powers and jurisdiction; to regulate the trial of causes therein and the drawing and summoning of jury and witnesses therefor.

Section One. Be it enacted by the legislature of Alabama, That a branch of the circuit court of Barbour county is hereby established in accordance with the provisions of this act and upon the conditions set out hereafter. Branch court provided for.

Section two. That the powers of said court shall be the same as those of circuit courts of this State, and the same rules, regulations and proceedings that now obtain with reference to the circuit courts, held at Clayton and Eufaula, Barbour county, shall apply to the court sought to be established by this act. That the jurisdiction of said court shall be that of the jurisdiction of the circuit courts of this State, and shall cover only beats numbers nine, twelve, thirteen and fifteen for the trial of causes civil and criminal, that arise with the territory just described, and all causes now pending in the circuit court at Clayton or Eufaula that arose within the said territory may upon motion be transferred to the court at Clio and shall stand for trial there. Powers of court.
Jurisdiction of.
Transfer of causes.

Terms.

Section three. That the terms of said court shall be two weeks, beginning on the last Mondays in January and July, the first week of which shall be devoted to the organization of the court and the trial of civil causes, and the second week for the disposition of criminal cases, under all the rules, regulations and methods of procedure that are now in force with reference to the circuit courts of Barbour county, held at Clayton and Eufaula.

Juries.

Section four. That juries, both grand and petit, shall be drawn and summoned as they are drawn and summoned for the circuit courts at Clayton, and Eufaula, and that all laws applicable to the drawing and summoning and selection of juries, grand and petit now in force with regard to the said circuit court so held at Eufaula shall apply to the court sought to be established by this act.

Witnesses.

Section five. That witnesses shall be summoned and their attendance compelled in the same manner as is done in the circuit courts at Clayton and Eufaula, and that all laws, rules and regulations now in force with reference to witnesses in the circuit courts at Clayton and Eufaula shall apply to the court sought to be established by the provisions of this act.

**Duties of
sheriff and
clerk.**

Section six. That the sheriff and clerk of the circuit court of Barbour county shall be required to attend said court, and perform all duties with reference to the same that they now perform in the circuit courts held at Eufaula and Clayton, but the records of said court are to be kept in the offices of the said clerk and sheriff at Clayton. And for their services they shall be allowed the same compensation that they now receive for similar services in the circuit courts held at Clayton and Eufaula.

**Buildings;
how erected,
etc.**

Section seven. That Barbour county shall not be required to expend any money for the erection and equipment of the buildings necessary for the court sought to be established by this act, but all buildings and the necessary equipment shall

be furnished, free of cost, by the citizens of the territory within the jurisdiction of the court, or in such way as they may see fit.

Section eight. That all laws now in force applying to the circuit courts of Barbour county, ^{Laws applicable.} held at Clayton and Eufaula are hereby made applicable to the court sought to be established by this act, and the rules of pleading shall be the same as now obtain in the circuit court held at Clayton.

Section nine. That before this act shall become effective the question of the establishment of the branch of the circuit court at Clio shall be submitted to the qualified voters of Barbour county at the next general election, and shall be ratified by a majority of said qualified voters. That there shall be printed on the ballots the words: "For Branch Court at Clio," and "Against Branch Court at Clio;" and upon the ascertainment of the result if it shall appear that a majority of the qualified electors of said county have voted for the establishment of said court, the probate judge of Barbour county shall certify the fact, and thereupon the provisions of this act shall go into immediate effect. ^{Election as to before act takes effect.} ^{Ballots.}

Approved July 25, 1907.

No. 412.)

AN ACT

(H. 860.

To authorize the board of mayor and aldermen of the city of Bridgeport in Jackson county, Alabama, to permit school children living without the limits of said city, to attend the public schools, within said city upon such terms as said board may prescribe.

Section 1. Be it enacted by the legislature of Alabama, That the board of mayor and aldermen of the city of Bridgeport, in Jackson county, Alabama, is hereby authorized and empowered to permit school children, living without the ^{Children permitted to attend.}

limits of said city to attend the public schools within said city upon such terms as said board may direct.

Repeal.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed.

Approved July 25, 1907.

No. 414.)

AN ACT

(H. 1034.

To amend section 2 of an act, entitled an act to amend an act, entitled an act to establish, maintain and regulate a dispensary in the town of Camden, Wilcox county, Alabama, for the sale of spirituous, vinous and malt liquors, approved September 23, 1903, so as to provide that the one-fourth of the net proceeds of said dispensary, shall be appropriated to the public road fund for Wilcox county, and providing for the election by the mayor and board of aldermen of the town of Camden, Alabama, for a cashier to issue checks for the purchase of liquors, in said dispensary.

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section 2 of an act entitled an act to amend an act, entitled an act to establish, maintain and regulate a dispensary in the town of Camden, Wilcox county, Alabama, for the sale of spirituous, vinous and malt liquors, approved September 23, 1903, be amended so as to read as follows: Section 2. Be it further enacted, That section 14 of said act be amended so as to read as follows: Section 14. Be it further enacted, That the net proceeds of said dispensary shall be divided monthly as follows: One half shall be paid to the trustees of the public school of Camden, to be used by them as they see fit for the pay of teachers, for the purchase of school furniture and necessities for the school, and for

Net proceeds; how divided.

the purchase and building of school property; one-fourth of the net proceeds shall be paid to the treasurer of Wilcox county, to be by him placed to the credit of the public road fund for said county; and that one-fourth of said net proceeds shall be covered into the treasury of said town of Camden.

Section 2. That there shall be added to said act a section to read as follows: Section 7. That a cashier shall be elected by the mayor and aldermen of the town of Camden who shall receive such salary as they shall deem proper, whose duty it shall be to issue all checks for the purchase of liquor, and no liquor shall be sold except by checks. The mayor of Camden shall issue consecutively numbered checks in denominations as may be deemed advisable by the board of aldermen to said cashier in such sums as may be deemed necessary. The mayor of Camden shall keep in a well bound book the amount and number of checks so delivered to such cashier which shall be accounted for monthly in settlement by the cashier to the mayor of Camden.

Sec. added.

Cashier, election, salary, etc.

Approved July 25, 1907.

No. 420.)

AN ACT

(H. 927.

To further provide for the further construction, maintenance and repair of public roads in Jackson county.

Section 1. Be it enacted by the legislature of Alabama, That all road funds now in the county treasury, not otherwise appropriated, and all funds hereafter collected from wagon licenses and road taxes, shall be disbursed under the orders of the court of county commissioners, for the following purposes, and in the following order: 1st. Pike road repairs, putting in full and complete repair of all the present macadamized roads of the county, and their future mainten-

Road funds, how disbursed.

ance. 2nd. Pike road extension constructing additional pike roads and connecting all pikes into a continuous system. 3d. General public road improvement section that the court of county commissioners be empowered and it is their duty to acquire by gift, purchase, or by condemnation proceedings under the general laws of the State, all stone quarries, chert beds, gravel beds, rights of way for hauling same and for pike or public road extension as same shall be needed for all the purposes named in the foregoing section.

Existing pike roads repaired first.

Section 2. That the putting in good repair of all existing pike roads and providing for their future maintenance shall be a first charge on the road fund of the county to be used in connection with such labor, teams, and machinery as may be by law apportioned to such roads. As soon after the passage of this act as the road funds are sufficient therefor, the court of county commissioners are required to proceed to provide

Crushed stone provided.

crushed stone at convenient places along all stone pikes where the present supply is exhausted, of sufficient quantities to put said roads in good repair. With the crushed stone so provided and with gravel and chert provided for roads accessible to same, the court of county commissioners shall proceed to put all the pikes in the county in good repair. In aid of such repairs the court may provide by such rules and regulations as it may prescribe for the use of the labor, teams, wagons and machinery or either apportioned to said pike road.

Labor, etc.

Pike road extension.

Section 3. That after providing for the repair and maintenance of the pike roads now in use and those in process of construction the court of county commissioners is authorized to appropriate any portion of the road funds of the county or of the general funds not otherwise appropriated to the purpose of pike road extension as defined in section one of this act. In this selection of locations for pike road extension from time to time the court shall have in view the ultimate

connection of the pike roads into a continuous system, the importance of the proposed road to the public, and also the supplemental funds, in labor or money, contributed by persons and communities interested in such extension.

Section 4. That in prosecuting the work of pike road repair or pike road extension, the court of county commissioners shall have power to enter into all needful contracts, require bonds of contractors in such penalties payable and conditioned as said court shall prescribe, purchase tools, machinery and supplies, employ labor, provide proper superintendence and shall make provisions for an accurate system of accounting, keeping of books, vouchers and pay rolls, and generally to do whatever the court may deem best in the successful accomplishment of such work.

Contracts entered into for repair or extension.

Tools, etc., bought.

Section 5. That any surplus of the road fund after providing for pike road repair, and such pike road extension as the court may undertake, shall be applied together with any other funds available for the purpose of general public road improvement under the supervision of the court and in such manner as may be considered to accomplish the best results. All persons who may be given the custody of any portion of such funds shall be required to give bond in double the amount of money received, payable to the judge of probate of the county, conditioned to faithfully disburse said funds according to law, and shall furnish his accounts and vouchers, and make settlement with the court of county commissioners as the court shall require.

Surplus after repair and extension; how used.

Bonds required.

Section 6. That all road hands or persons liable to road duty in said county shall be liable to work six days during each year. Any such road hand, when warned, may commute his time by paying to the overseer at the rate of one dollar per day in money for the time so warned. And no wagon, team, horse, mule, or oxen shall be subject to work over 3 days during any year.

Time worked by hands.

Commutation fee.

Wagon, etc., days subject to work.

Commuta-
tion funds,
how disbursed.

Sworn ac-
count deliv-
ered to ap-
portioners, etc.

Penalty for
failure.

Penalty for
false state-
ment or mis-
appropria-
tion of funds.

Penalty for
failure to per-
form duty by
county com-
missioners.

Act of Oct. 1,
1903, unaffec-
ted except
when in con-
flict.

Section 7. That the road overseers shall disburse all funds received in commutation of the labor of hands, teams, wagons and machinery in procuring labor, materials, and tools necessary for the proper improvement of their respective roads. They shall between the 1st and 5th days of February and August of each year make a sworn account of all funds received and disbursed during the last six months as well as a report of the work done on their respective roads and deliver same to their respective apportioners, the apportioners shall two weeks before the convening of the grand jury turn in said reports with his report to the judge of probate, said reports shall show the names of all road defaulters and the number of days of such default, said reports shall be kept on file in the office of the judge of probate and submitted to the inspection of the grand jury. Any overseer or apportioner who shall wilfully fail to make such report shall be guilty of a misdemeanor and on conviction shall be fined not less than ten dollars. Any overseer or apportioner who makes a willfully and corruptly false report on oath shall be guilty of perjury and any overseer who willfully misappropriates any funds coming to his hands for road purposes shall be guilty of embezzlement.

Section 8. That any county commissioner who willfully neglects or refuses to perform the duties required of him under this act, or who willfully makes or aids in making any order for the appropriation of the road funds of the county to an illegal purpose, shall be subject to impeachment and removal from office in the manner provided by law.

Section 9. That the general road law of Jackson county, entitled "An act to provide for the maintenance, improvement and protection of the public roads in Jackson county, Alabama, and to provide for the levy of a special road tax therefor" approved October 1, 1903, shall be and remain in full force and effect, except in so far as the provisions therein are in conflict with the

provisions of this act. Provided this bill shall become effective immediately upon approval of the governor. Effect.

Approved July 29, 1907.

No. 421.) AN ACT (S. 543.

To ratify ,confirm and legalize the orders, acts and proceedings of the commissioners' court of Choctaw county, in issuing to the contractors for building the county court house, three principal warrants and six subsidiary warrants, representing a legal rate of interest from January 1st, 1907, on said three principal warrants, in settlement of the costs of constructing county court house, and to authorize the payment of said warrants.

Section 1. Be it enacted by the legislature of Alabama, That all orders, acts and proceedings of the commissioners' court of Choctaw county, wherein said court ordered the issuance of three principal county warrants, \$5,700.00 each, and six subsidiary county warrants of \$456.00 each representing a legal rate of interest from January 1, 1907, on said principal warrants in settlement of the costs of constructing the county court house of Choctaw county, be and are hereby authorized, ratified and confirmed. Acts, etc., of commissioners court ratified and confirmed.

Section 2. That the county treasurer is authorized to pay out of the general fund of Choctaw county, said principal warrants and subsidiary warrants when the same falls due to be paid. County treasurer to pay warrants.

Approved July 29th, 1907.

No. 422.) AN ACT (S. 525.

To prohibit the barter or exchange of spirituous, vinous or malt liquors or intoxicating bever-

ages or drinks within three miles of the Sister Springs church, in Dallas county, Alabama, and to provide for the punishment of the violation of said act by the circuit court of Dallas county and Lowndes county.

Sale, etc.,
prohibited.

Section one. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous or malt liquors or intoxicating drinks or beverages within three miles of the White Baptist church in Dallas county, known as the "Sister Springs Church." And upon conviction shall be fined not less than fifty dollars and not more than five hundred dollars, or sentenced to hard labor for not more than six months.

Penalty for.

Prosecutions;
where tried.

Section two. The prosecutions for the violation of this law may be tried in either the circuit court of Dallas county or Lowndes county.

Repeal.

Section three. That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved July 29th, 1907.

No. 424.)

AN ACT

(S. 467.

To prescribe rules of practice and procedure in the circuit court of Montgomery county, and to define the powers of the judge of said court in reference thereto.

Civil cases
commenced by
summons and
complaint.

Section 1. Be it enacted by the legislature of Alabama, That in all civil cases commenced in the circuit court of Montgomery county by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint within thirty days after the service of the summons and complaint upon him, whether such service be made in term time or vacation, and in all cases at law commenced by attachment the

defendant shall appear and demur or plead within thirty days after the levy of the attachment and service of notice thereof, or in case the suit is against a non-resident or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication, and in all other cases at law, the defendant must appear and plead or demur within thirty days after perfection of service upon him, and in all cases at law whether commenced by summons and complaint, attachment or otherwise, and defendant failing for more than thirty days after service has been perfected upon him to appear at any time thereafter judgment by default on motion of the plaintiff may be rendered against him; provided however, that the court may for good cause allow such judgment so obtained by default to be set aside, and demurrer or pleas to be filed on such terms as the court may think just; but no application to set aside such judgment unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court, unless accompanied by an affidavit by the defendant or his agent or attorney to the effect that in the belief of the affiant, the defendant has a lawful defense to such suit; and provided further that in suits brought by attachment the complaint shall be filed within ten days after perfection of service of process on defendant.

Sec. 2. That all garnishments issued from said court shall require an answer thereto within thirty (30) days after the service thereof; and upon the failure of any garnishee to make answer within such thirty (30) days he shall be deemed in default, and a judgment nisi may be rendered against him, upon motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi; and that any time after thirty (30) days from service or notice of the rendition of the judgment nisi upon the garnishee such judgment may be made absolute, or if notice of

Garnish-
ments; answer
to.

the rendition of such judgment nisi be returned "not found", then a second notice thereof may immediately issue and at any time after thirty (30) days from the service thereof, or from the same being returned "not found," the judgment may be made absolute; and unless otherwise ordered by the court, all citations, rules, scire facias, and notice issuing from said court shall require the party against whom they are issued to appear and plead within thirty (30) days after the service thereof, or if the citations or notices are to be given by publication within thirty (30) days after perfection of service by publication, and all cases whether commenced by summons and complaint, to be at issue and triable upon the appearance of the defendant, and his pleading to the plaintiff's complaint, petition or other pleading; or if he does not appear within thirty (30) days after the perfection of service upon him at the end of such thirty (30) days.

Process, notices, etc., execution and return of.

Sec. 3. That all original and mesne process, notices, and scire facias, shall be executed instanter and shall be returned immediately upon the execution thereof by the officer executing the same, and all executions scire facias and venditioni exponas issuing from said court shall be made returnable ninety days after the issue thereof.

Trial of civil cases on appeal to.

Sec. 4. That all civil cases brought by appeal or certiorari from justices of the peace or other inferior courts to said circuit court shall stand for trial when reached on the regular call of the docket at any time after thirty days from the service of notice of such appeal or certiorari shall have been given to the adverse party as required by law.

Trial of cases at law.

Sec. 5. That all cases at law in such court, whether commenced by summons and complaint, attachment or otherwise, the issue and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he appears, or by

any person interested in such issue or question at the time he appears; such demand must be made by the plaintiff or party occupying the position of plaintiff, by endorsing the same in writing upon the summons and complaint, attachment claim or paper filed by him for the purpose of instituting such suit, or when he intervenes without suing out process, upon the pleading or paper, filed by him for the purpose of presenting such issue or question of fact; and by the defendant or other party occupying the position of defendant, including garnishees, by endorsing such demand in writing upon the demurrer, plea, answer or other pleading filed by him; and when a cause is transferred to said court from the city court of Montgomery it shall be tried by the court without a jury, unless at the time of the application made for such transfer, a demand for a trial by jury be made in writing and filed in said cause by the party at whose instance the removal is made, or unless such demand is made by the opposite party within ten days after service of such removal; and in all civil cases wherein the sum claimed exceeds twenty dollars, brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunal, the issue and questions of fact shall be tried by the court without a jury, unless a demand for trial by jury be made in writing and filed in the cause by the party taking the appeal or certiorari, at the time he takes the same, or by the opposite party within ten days after he has been served with notice of the appeal or certiorari; and a failure to make demand for a jury trial at the time and in the manner above required, shall be deemed and held a waiver of the right of trial by jury.

Section 6. That in the trial of any cause at law in said court, in addition to questions which may be under existing laws presented to the supreme court of the State for review, either party may by bill of exceptions, also present on appeal for review the conclusions and judgments of the

Questions
presented to
Supreme Court
on appeal.

court, including special findings upon the evidence, and the supreme court shall review the same without any presumption in favor of the court below, on the evidence, and in such case if they find that there is error, they shall render or reverse and remand the same for further proceedings, as the supreme court may deem right.

Transfer of
cases provided
for.

Sec. 7. That cases at law, both civil and criminal, that are now or may hereafter be pending in the city court of Montgomery may be by consent of the parties thereto transferred to the said circuit court, which court shall thereupon proceed and dispose of the same as if they had been originally instituted in said circuit court; and in like manner cases may be transferred from the circuit court to the city court of Montgomery by consent of the parties thereto and the clerk of the court from which the cause shall be so transferred shall deliver all the papers, pleadings and evidence pertaining to said cause, together with a certified transcript of all minutes entries made therein to the clerk of the court to which said cause shall be transferred, together with a bill of the costs which have accrued; which shall be collected at the time and in the manner of the collection of the costs in such case in said court to which the case is transferred.

Execution;
issue, etc., of.

Sec. 8. That after ten days from the rendition of any judgment unless otherwise directed in said judgment, the clerk of said circuit court shall issue execution returnable as hereinbefore provided; provided however that nothing herein contained shall prevent any person from having execution issue within said ten days upon making affidavit, as now provided by law in relation to issue of executions upon judgments in the circuit courts, and provided further, that nothing herein contained shall prevent the superceding of executions after the issue thereof upon filing bond as now required by law.

Bills of ex-
ceptions.

Sec. 9. That all bills of exceptions relating to the trial of civil and criminal causes in said court must be signed by the presiding judge of said

court within thirty days after the day on which the issue or issues of fact to which said bill of exceptions relates was tried, unless the time for signing such bill of exceptions is extended by agreement of parties or of their counsel or by order of the presiding judge as now authorized by law respecting the signing of bills of exceptions in the circuit court.

Sec. 10. That final judgments rendered in said court shall after the expiration of thirty days from their rendition be taken and deemed as completely beyond the control of the court as if the term of said court at which the said judgment was rendered had ended at the end of said thirty days; provided, however, that nothing herein contained shall prevent parties from applying for new trials or rehearings within said thirty days or destroy or change the effect of motions for new trials or rehearings, when so made, or shall prevent parties from applying to said court for a rehearing under the statute authorizing applications for rehearings in the circuit court or shall prevent the court from retrying any cause under section 3341 and 3342 of the code of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit courts touching final judgments. As to final judgments.

Sec. 11. That all witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify, and unless they can prove their attendance within that time their fee shall not be taxed as costs nor shall they be recoverable against either party. Witness, prove attendance, etc.

Sec. 12. That the judge of said circuit court shall have the power to make and adopt such other rules of practice and procedure as in his opinion may be required by a proper system of circuit court practice and to amend the same as may be expedient, such rules to be entered of record upon the minutes of said court, and the Power of Judge to adopt other rules.

Ineffective as
to cases now
pending.

Repeal.

same may be changed, amended or annulled by the supreme court of this State.

Sec. 13. That none of the provisions of this act shall invalidate any of the proceedings had or acts already done in cases now pending in said circuit court.

Sec. 14. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved July 29th, 1907.

No. 428.)

AN ACT

(S. 449.

To require the governor to send a State examiner of public accounts or some other expert accountant to audit and examine into the accounts, and operations of all incorporated towns and cities in Dallas county, operating public utilities. Be it enacted by the legislature of Alabama:

Governor to
send exam-
iner or ac-
countant.

Section 1. That upon application of the mayor of any city or town in Dallas county, Alabama, operating public utilities, it shall be the duty of the governor, to send a State examiner of public accounts or some other expert accountant to audit and examine into the accounts and operations of the utility or utilities operated by said town.

Duties of ex-
aminer.

Section 2. It shall be the duty of such person so sent by the governor to make a full, complete and exhaustive examination into the accounts, operations and affairs of said utility and to make a full, accurate, definite and detailed report thereof, calling particular attention to the efficiency thereof, the methods of management, system of collection, disbursements and general efficiency, of the same, together with any recommendation, criticisms or suggestions relating thereto.

Section 3. It shall be the duty of the mayor ^{Mayor to make request.} of such municipality to make such request of the governor at least once in each calendar year and his failure to make such request shall constitute an indictable misdemeanor.

Section 4. Expenses of such examination shall ^{Expense of, how paid.} be paid by said town or city.

Approved July 29, 1907.

No. 429.)

AN ACT

(S. 400.

To repeal an act approved February 13th, 1897, entitled an act to regulate the sale of spirituous, vinous and malt liquors in the corporate limits of the town of Roanoke, Randolph county, Alabama.

Section 1. Be it enacted by the legislature of ^{Act re-} Alabama, That an act approved February 13th, ^{pealed.} 1897, entitled an act to regulate the sale of spirituous, vinous and malt liquors in the corporate limits of the town of Roanoke in Randolph county, Alabama, be and the same is hereby repealed.

Approved July 29th, 1907.

No. 430.)

AN ACT

(S. 396.

To repeal an act approved December 13th, 1900, entitled an act to establish, maintain and regulate a dispensary in the town of Roanoke, Randolph county, Alabama, for the sale of spirituous, vinous or malt liquors, ciders and other intoxicants and to establish a board of commissioners for the management of said dispensary and for other purposes.

Section 1. Be it enacted by the legislature of ^{Act repealed.} Alabama, That an act approved December 13th,

1900, entitled an act to establish, maintain and regulate a dispensary in the town of Roanoke, Randolph county, Alabama, for the sale of spirituous, vinous or malt liquors, cider and other intoxicants and to establish a board of commissioners for the management of said dispensary and for other purposes, be and the same is hereby repealed.

Effect.

Section 2. That this act shall not take effect until January the first, 1908.

Approved July 29th, 1907.

No. 431.)

AN ACT

(S. 411.)

To divide the county of Lowndes into five districts and to provide for the election of a member of the board of revenue from each district. Be it enacted by the legislature of Alabama:

County divided into districts.

Section 1. The county of Lowndes is hereby divided into five districts as follows, namely: The first district shall be composed of the following precincts, viz.: Numbers 18, 19, 20, 1 and 2. The second district shall be composed of the following precincts, viz.: Numbers 3, 4, 5, and 21. The third district shall be composed of the following precincts, viz.: Numbers 6, 7, 8 and 9. The fourth district shall be composed of the following precincts, viz.: Numbers 10, 11, 12 and 15. The fifth district shall be composed of the following precincts, viz.: Numbers 13, 14, 16, and 17.

Election of members board of revenue.

Section 2. That at the next election in which members of the board of revenue of Lowndes county are to be elected and at each such election thereafter, there shall be elected by the qualified voters of Lowndes county, one member of said board of revenue from each of said districts.

Approved July 29, 1907.

No. 432.)

AN ACT

(S. 397:

To fix the boundary line between the counties of Randolph and Cleburne and to define the same.

Section 1. Be it enacted by the legislature of Alabama, That the boundary line between the counties of Randolph and Cleburne be and the same is hereby changed and located as follows: Beginning where the little Tallapoosa river crosses the present boundary line between section 35, township 17, range 12 in Cleburne county, and section 2, township 18, range 12 in Randolph county, thence up said river to where it crosses the State line between Alabama and Georgia in section 5, township 18, range 13.

Section 2. That all that part of Cleburne county lying south of the said little Tallapoosa river and within the boundary described in section one of this act shall be and become a part of Randolph county; and all that part of Randolph county lying north of the said little Tallapoosa river and within the boundary described in section one of this act shall be and become a part of Cleburne county.

Section 3. That the boundary line between the counties of Randolph and Cleburne shall be and remain the same as now established except as provided for in sections one and two of this act.

Section 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved July 29, 1907.

No 435.)

AN ACT

(S. 412.

To provide for the compensation of the deputy solicitor of Lowndes county. Be it enacted by the legislature of Alabama:

Compensation of deputy solicitor.

Section 1. That the deputy solicitor for Lowndes county may collect and retain for his services, the fees and commissions earned by him in the county court during the year, not to exceed seven hundred and fifty dollars per annum; the residue of such fees and commissions shall be paid into the county treasury, to the credit of the fine and forfeiture fund.

Repeal.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Approved July 29th, 1907.

No. 436.)

AN ACT

(S. 523.)

To create and establish a commission to be known as "Selma Water Works Commission," to prescribe their qualifications, mode of election, duties, powers and compensation, terms of office, and to fix a maximum rate to be charged for water in Selma, Alabama.

Commission created.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby created and established in and for the municipality of Selma, in Dallas county, Alabama, a commission of three citizens to manage, conduct and control the system of water works, mains, hydrants, and entire plant, fixtures and appurtenances, heretofore purchased from the Selma Water Company by Selma, and all additions thereto, incomes and profits arising therefrom the said commission to be known as "Selma Water Works Commission."

Members of.

Section two. That W. R. Peacock, Albert Thalheimer and Ernest Lamar are hereby constituted and appointed as members of such commission to hold office as follows: W. R. Peacock

Term of office.

shall hold his office as such commissioner until the 2nd Monday in May, 1913; Albert Thalheimer shall hold his office until the 2nd Monday in May, 1911; and Ernest Lamar shall hold his of-

fice until the 2nd Monday in May, 1909; that on the 2nd Monday in May, 1909, and on the second Monday in May in each second year thereafter the mayor and council of Selma shall elect one member of such commission, to hold office for a term of six years, and until his successor is elected and qualified; that immediately after the election of such commissioners on the 2nd Monday in May in every second year commencing on the 2nd Monday in May, 1909, the commissioners shall meet and elect one of their number as president of such commission to hold office as such president for a term of two years from the date of his election and until his successor is elected and qualified. Any vacancy occurring in such commission may be filled by the council at the next regular meeting for the unexpired time.

Successors,
how and when
elected.

Vacancy; how
filled.

Section three. That no person shall be eligible to the office of commissioner, unless such person shall be at the time of his election a bona fide resident, householder and property tax payer of Selma.

Qualifica-
tions.

Section four. Such president of such commission shall require the superintendent and manager to act as secretary of such commission, and he shall keep and preserve a minute of all meetings of such commission; and shall keep and preserve all the records, papers, contracts and books of said commission; the president shall have the principal charge of the office of such commission and the affairs thereof; he shall have, under the direction of said commission, charge and control of the water works system and plant, piping, hydrants and all the details connected with the running, repairing, managing, maintaining and operating of the said water works system and plant now owned by Selma.

Duties of
president - of.

Section five. Such commission shall meet at the office of the commission at least once a month, and as often as may be necessary for the conduct of the affairs of the commission, but only on the call of the president; it shall be the duty of the commission to employ a superintendent.

Meetings of.

Parties em-
ployed, etc.

ent and manager of said water works system and plant, and to fix his salary; to employ an engineer and fireman, and fix their salaries, and to employ all such labor and hands as are necessary to properly carry on, operate and maintain said water works system and plant.

Rates for water.

Section six. Said commission shall fix the rates for water consumed or used by any person, firm or corporation, but in no event shall such rate be greater for any use, trade or occupation than the rates provided by and scheduled in a contract lately existing between Selma and Selma Water Company, a corporation, which rates are hereby declared to be the maximum rates than can be levied, charged or collected.

Maximum rates.

Accounts, etc., how kept.

Section seven. Said commission shall cause to be kept by its superintendent and manager neat and accurate books of all of its accounts, dealings and transactions with each water consumer, and other persons, firms and corporations having dealings with such board or commission, and the same shall be open at all proper times to the inspection of any bona fide resident and citizen of Selma, who is a tax payer of Selma, and the mayor and council of Selma may at any time, at the expense of the said commission, have audited the books of said commission; it shall through its president, at each monthly meeting of the council of Selma, make a written report of the affairs of such commission, and shall quarterly make a written report of the affairs of such commission to said council, showing the amount of money due by all consumers of water during the month, the amount of money collected by the commission from all sources, and the amount disbursed by it for all purposes, and the balance which it has on hand, and in which bank or banks the same is on deposit; and shall make written report of all such other matters and things as it may be called upon to do by said council.

Report to council monthly.

Quarterly reports.

Commission to designate depository for funds.

Section eight. Said commission shall designate at least one bank in the city of Selma as a depository for all funds of said commission; and

all monies from whatsoever source received shall be deposited in such bank so designated as a depository, to the credit of Selma water works commission, and all disbursements by said commission, for whatever purpose, shall be made by check on said bank drawn by the superintendent and manager and countersigned by the president, and in his absence from Selma by either of the other commissioners.

Section nine. For his services, the president shall receive a salary of not less than six hundred dollars per annum and not more than two thousand dollars per annum, to be fixed by said council of Selma, and payable monthly; and each

Salary of president.

of the other commissioners shall receive five dollars for each meeting of the commission attended by him; however they shall neither receive more than ten dollars in any one month, provided, however, that no salary shall be increased during any term of such office.

Salary of other commissioners.

Section ten. The mayor of Selma shall, ex-officio, be a member of said commission, in addition to the three commissioners already provided for, but without compensation for his services as commissioner, and without the right to vote upon any matter coming before the commission.

Mayor, ex-officio a member.

Section eleven. On the 30th day of April in each year said commission shall make an annual report of the affairs of the commission to the council, showing the amount of money collected from all sources during the fiscal year; the amounts disbursed, and for what purposes, the amount of balance on hand, and the amount due and owing said commission, and from what sources, and the amount, if any, due and owing by said commission and the nature of such indebtedness.

Annual report.

Section twelve. From and out of the earnings of said water works system and plant, said commission shall, on the 1st days of May and November in each year pay the interest on the bonds of Selma issued May 1st, 1907, and after May 1st, 1911, it shall apply the net earnings of

Net earnings; how used.

said water works system and plant on the first day of May in each year, or as soon thereafter as possible to the retiring of said bonds in their numerical order.

Rules and by-laws.

Section thirteen. Said commission may pass and adopt all necessary and proper by-laws and rules for the government and the proper and successful management, conduct and control of said water works system and plant, and of the commission, or to enforce the punctual and faithful payment of all demands owing said commission for water consumed, provided that such by-laws are not in conflict with the provisions of this act.

Effect.

Section fourteen. That this act shall go into effect upon its approval.

Approved July 29th, 1907.

No. 437.)

AN ACT

(S. 458.

To create the office of court stenographer for Dallas county; to provide for his appointment and compensation; to prescribe his powers and duties; and to provide for the taking and collection and disposal of stenographer's fees in the courts of record of Dallas county.

Office, created.

Section 1. Be it enacted by the legislature of Alabama, That the office of court stenographer for Dallas county, Alabama, is hereby created.

Appointment of.

Section 2. That the judge of the city court of Selma is hereby authorized and directed to appoint a competent person as stenographer for said county by an entry upon the minutes of his court to that effect, dated and signed by him.

Oath.

Section 3. That before entering upon his duties, the stenographer shall take and subscribe an oath, that he will faithfully discharge his duties as stenographer of the court, and such oath shall be entered in the minutes of the court.

Section 4. That the stenographer when appointed and qualified by taking the oath required, thereby becomes an officer of the court, and shall hold his office as stenographer so long as his services are satisfactory to said judge; but he may be removed by said judge at any time, and another stenographer appointed, at the will of said judge.

Term of office.

Removal.

Section 5. That the stenographer shall attend each session of the city court of Selma, and of the circuit court of said county; and when required by the presiding judge of the court shall take, under the control of the judge, stenographic notes of all the evidence except that which is documentary, and the proceedings in each case, civil and criminal, tried therein upon an issue of facts, and of any other matter, or in any other case that the judge may specially direct in term time or vacation. He shall carefully note all objections of counsel, rulings of the court and exceptions of counsel, made during the trial, in the order in which the same occur.

Duties.

Section 6. Upon demand of any party to any proceedings who desires a review by the supreme court of Alabama of any ruling or judgment rendered by the court in which such proceeding is had and upon the payment to or deposit with the clerk and register or clerk as the case may be, the sum of five dollars the stenographer shall within 20 days after such demand is made, neatly typewrite three complete copies of his stenographic notes, and shall certify officially that such copies are full, true and correct reports of the proceedings in said trial or contest; shall then file one copy in the office of the clerk and register or clerk, as the case may be, and give to the plaintiff and defendant, or other styled adverse parties, or their attorneys of record one copy each. He shall preserve his notes taken in all such proceedings, properly designated and conveniently filed, as records of his office. Said sum of five dollars shall be security for the payment of such copy and if such copy of such notes shall be less than five dollars, at the rate of

Notes copied, when demanded.

Notes preserved.

Fee for copy of notes.

six cents per hundred words for one copy, the difference shall be refunded to the party making the deposit; but if such copy shall be more than the five dollars deposited, then the party demanding the copy shall pay the balance due upon receipt of the copy, at the rate of six cents per hundred words for one copy.

Report proceedings in habeas corpus trial.

Section 7. That such stenographer shall be required when directed by the judge of the city court of Selma to report the proceedings in any habeas corpus trial or in any preliminary examination held in Dallas county, and in such case, shall neatly write out at least two copies of his notes, of said proceeding, and file one copy of the same with the solicitor of the fourth judicial circuit or his deputy solicitor for Dallas county, and the other copy with either the clerk of the circuit court or clerk and register of the city court as may be directed by the judge of the said city court of Selma; and such copy, when certified to by said stenographer shall be received in any court as prima facie correct.

Report cases in chancery court and probate court.

Section 8. Said stenographer, upon written request of the chancellor or the judge of the probate court to the judge of the city court, shall report the proceedings in any case tried in the chancery court of Dallas county and probate court in which witnesses are examined orally, and his duties and authorities and power therein shall be the same as hereinbefore provided for the other courts of record of Dallas county.

Salary.

Section 9. Such stenographer shall receive for his services a salary of one hundred dollars per month, to be paid out of the treasury of said county upon order or warrant drawn by the judge of the city court of Selma, and the court of county revenues shall allow such warrants and order the same to be paid on presentation.

Stenographer pro tempore.

Section 10. That in case the stenographer be absent during the session of the court, the judge may, by an order entered on the minutes of the court appoint a stenographer pro tempore, who

shall be sworn to faithfully discharge his duties as such and who shall perform all the duties of the office of stenographer of the court and who shall be paid for his services out of the salary of the regular stenographer at a rate to be fixed by the judge for the time that the stenographer pro tempore shall act, which shall be audited and allowed by the judge; all acts of the stenographer pro tempore shall be as valid and effectual, as if done by the regular stenographer; and such papers as are required to be certified and signed by the stenographer shall be certified and signed by him as stenographer pro tempore.

Section 11. In each case tried in the said circuit court and city court of Selma and in cases in said probate and chancery courts wherein the services of said stenographer are required a fee shall be taxed as part of the costs of said cause and collected as other costs are collected in said cases as follows, that is to say: in each capital felony, \$5.00. In each other felony violation of prohibition or revenue laws and in civil cases, \$3.00. And in each other case \$2.50. And such fees when so collected shall be paid into the county treasury by the officer collecting the same.

Costs taxed in cases where stenographer required.

Approved July 29, 1907.

No. 440.)

AN ACT

(H. 935.

To amend section 22 of an act entitled "An act to establish the city court of Bessemer.

Be it enacted by the legislature of Alabama, Act amended. That section 22 of an act entitled "An act to establish the city court of Bessemer," be and the same is hereby amended so as to read as follows: Sec. 22. Be it further enacted, That from and after the passage and approval of this act the judge of the city court of Bessemer shall receive as a salary the sum of four thousand (\$4,000.00) Salary of judge.

How paid.

dollars per annum, of this sum there shall be paid from the treasury of the State to the said judge the same amount as is now paid to the judges of the city court of Birmingham, at the same time and the same manner as the judges of the city court of Birmingham are now paid, the balance of said salary shall be paid out of the county treasury of Jefferson county at the same time and in the same manner as the judges of the city court of Birmingham are now paid.

Repeal.

Sec. 2. That all laws or parts of laws, general, local or special in conflict herewith be and the same are hereby repealed.

Approved July 27, 1907.

No. 443.)

AN ACT

(H.742.)

To prohibit the sale of intoxicating liquors, of every kind, within three miles of the public school house at Creola, Mobile county, Alabama., and to provide a penalty for the violations of this act.

Sale, etc., prohibited.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, firm or corporation to sell or dispose of any intoxicating liquors, of any kind whatsoever, within three miles of the public school house at Creola, Mobile county, Alabama.

Penalty for violation.

Section 2. Any person, or the officer of any corporation, violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction must be fined not less than one hundred dollars and imprisoned in the county jail for thirty days.

Repeal.

Section 3. That all laws and parts of laws conflicting with the provisions of this act are hereby expressly repealed.

Approved July 27, 1907.

No. 444.)

AN ACT

(H. 921.)

To regulate the fine and forfeiture fund of Escambia county and to better provide for the payment of State witnesses and officers fees in said county.

Section 1. Be it enacted by the legislature of Alabama, That after the first day of January, 1908, witnesses subpoenaed on behalf of the State to attend the circuit and courts of Escambia county in criminal cases or to appear before the grand jury of said county, shall be entitled to one dollar per day and three cents per mile to and from their residence by the usual traveled route, and all necessary ferriages and tolls, such compensation to be paid out of the fine and forfeiture fund of said county, upon the certificate of the clerk showing the amount of compensation to which the witness is entitled. Fees of witnesses.

Section 2. That a witness attending in more cases than one at the same time in said county shall only be entitled to fees in one case while so attending, but if his attendance is required in the other case or cases he shall be entitled for such attendance each day to claim his per diem, but no mileage, and so on for each day until all the cases in which he is required to attend are disposed of by trial, continuance or otherwise; provided the witness shall prove his attendance during term time or within five days after adjournment of the court at which he attends, to entitle him to the compensation provided by this act. When party witness in more than one case.

Section 3. That it shall be the duty of the clerks of the courts to tax up the fees of state witnesses against the defendant if he is convicted, or against the prosecutor if the costs are imposed on him, at the rate allowed state witnesses under the general law, and such fees when collected shall be paid by the clerk into the fine and forfeiture fund of the county. And it shall be the duty of the county treasurer to keep an account of the fees thus covered into the fine and Fees; how taxed by clerk. Account of fees kept by treasurer.

forfeiture fund, together with all fines, forfeitures, proceeds of hire of convicts, residue of solicitors fees and any other moneys belonging to said fund, and any appropriation made by the commissioners court under the provisions of this act, and shall render to the commissioners court at their first meeting in each year, a statement of the amounts received, to the credit of such fund and the amounts paid out to the state witnesses and to the sheriff and clerk under the provisions of this act.

Appropriation by commissioners court.

Section 4. That should the amount of costs collected from defendants on conviction as herein provided, together with the fines, forfeitures, proceeds of convict hire, residue of solicitors fees, and other moneys that may be paid into said fund, be insufficient to pay all the claims of State witnesses and officers fees for the year in which such claims accrue, the court of county commissioners are hereby authorized to appropriate out of the general fund of the county, and out of any moneys not otherwise appropriated, a sum sufficient to pay such claims as the report of the county treasurer may show to be still outstanding; provided that such appropriation shall not exceed the sum of one thousand dollars in any one year.

Fees of clerk and sheriff when no conviction and how paid.

Section 5. That the fees of the clerks of such courts and the sheriff of said county accruing for services rendered in behalf of the State, in cases wherein the State fails to convict the indictment withdrawn, or the prosecution abates by the death of the defendant or where no indictment is found by the grand jury, or in cases where the costs are imposed either on the defendant or the prosecutor and the execution returned, "No property found," or the case is not prosessed, shall be paid out of the fine and forfeiture fund; provided that such officers shall render to the court of county commissioners an itemized statement of such fees, duly verified by affidavit, and have the same audited as other claims against the county; and provided further, that the rights of such of-

ficers to such payment shall be postponed to the right of state witnesses.

Section 6. That it shall be the duty of the county treasurer of said county, immediately after the first day of January, 1908, to give notice by advertisement in some newspaper published in said county, once a week for three consecutive weeks, to all the persons holding registered claims against the fine and forfeiture fund of said county to present the same for payment within sixty days after the date of such notice, and if such claims are not presented within such time, they shall be forever barred; provided that any person whose registered claims have been lost, mislaid or destroyed, or the heirs or legal representatives of such person, may make proof of such loss by filing an affidavit with the county treasurer to that effect, within the time specified in said note, and the county treasurer shall, if the same corresponds with his register of claims, pay the same as though the original registered claim had been presented for payment.

County treasurer to give notice by advertisement.

Effect of failure to present claims.

Section 7. That on and after the first day of January, 1908, all laws and parts of laws in conflict with the provisions of this act shall be of no effect.

Repeal.

Approved July 27, 1907.

No. 447.)

AN ACT

(H. 1301.

To prohibit the sale, barter, exchange or giving away of vinous, spirituous, or malt liquor, or other intoxicating drinks or beverages, in the county of Houston, in the State of Alabama; and to provide for an offense and a penalty for the sale, barter, exchange, or giving away of vinous, spirituous, or malt liquor, or other intoxicating drinks or beverages in the said county of Houston.

Section 1. Be it enacted by the Legislature of Alabama, That on and after the passage of

Unlawful to sell, etc.

this act, it shall be unlawful to sell, give away, barter or exchange any vinous, spirituous, or malt liquor, or any other intoxicating drinks or beverages in the county of Houston, in the State of Alabama; and the sale, barter, exchange or giving away of vinous, spirituous or malt liquor, or other intoxicating drinks or beverages within the limits of the said county of Houston, is hereby prohibited.

Penalty.

Section 2. That any person, firm or corporation, who shall sell, barter, exchange or give away, for himself, or for another, any vinous, spirituous or malt liquor, or any other intoxicating drinks or beverages, within the county of Houston, shall be guilty of misdemeanor, and shall be fined not less than one hundred dollars; and may also be sentenced to hard labor for the county for not less than thirty days nor more than one year, one or both, at the discretion of the judge presiding on the trial of the case.

Repeal.

Section 3. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Approved July 31, 1907.

No. 449.)

AN ACT

(H. B. 1095.

To require the tax assessor and tax collector of Calhoun county, Alabama, to visit the voting places in each precinct in Calhoun county, Alabama, once in each year, for the purpose of assessing and collecting taxes. That said tax assessor and tax collector shall each keep his office open at the court house of said county, from October the 1st to December the 31st of each year.

Round of collector and assessor.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act the tax assessor and tax collector of Calhoun county, Alabama, shall visit each elec-

tion precinct in said county once each year, and remain there one day, from 8 o'clock a. m. until 4 o'clock p. m.

Section 2. That said tax assessor and tax collector shall make the said one round, beginning not earlier than October the 15th of each year. Comencement of.

Section 3. That from and after the passage of this act, the tax assessor and tax collector of Calhoun county, Alabama, shall each keep his office open at the court house of said county, with all the records belonging thereto from October 1st to December 31st of each year. Time office open at county seat.

Approved July 31, 1907.

No. 450.)

AN ACT

(H. B. 1082.)

To amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county approved September 17, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved September 17, 1903, be amended so as to read as follows: Section 4. That any person liable for road duty may be exempt from work by himself or substitute, by paying to the overseer, on or before the day appointed for commencing work, the sum of one dollar and twenty five cents, for each day he is summoned to work. Act amended.
Exemption from labor by payment of money.
 The commissioners court shall cause to be printed receipt books with stubs, and furnish each overseer with a sufficient supply of such receipt books, and when and as often as any person liable to road duty, pays the overseer in lieu of work, the overseer shall give such a person a receipt for the amount paid, and shall number the stub, to correspond with the number on the receipt, and said stub shall show the amount Receipt books, etc.

Disbursement of money collected as commutation fee.

Stubs delivered to probate judge.

Reports of overseers.

Penalty for wrong use of money, etc.

No. of days worked.

received and from whom received. The overseer, shall from time to time, pay said money over to the superintendent, taking his receipt therefor, provided that the overseer may employ hands if need be, to supply the places of those who have paid in lieu of work, and may use the money collected by him to pay such hands, or for the repair of roads, bridges and causeways, on the road precinct, on which the money was paid, and any residue shall be paid to the superintendent as above provided. All overseers shall on or before the 25th day of December in each year, deliver to the probate judge, all stubs from receipts for money collected from road hands and shall also deliver to the probate judge all receipts given him by the superintendent. The probate judge shall keep said stubs and receipts on file in his office, and all persons shall have the right to examine and inspect the same at all reasonable times. The money collected from persons liable to road duty and not expended by the overseers as provided by this section, shall by commissioners court, or by the superintendent under the direction of the commissioners court, be devoted to maintaining and keeping in repair, the public roads of said county. Overseers shall from time to time, report to the superintendent all amounts expended by them out of the moneys collected in lieu of work on their respective road precincts, and shall take a receipt or voucher from each hand employed, for the amount paid him, and such receipt or voucher shall be produced to the superintendent on demand. •Any superintendent or overseer who converts any of said money to his own use, or to the use of another, or who wilfully fails or refuses to account for the same, as required by law, shall be guilty of embezzlement and punished accordingly. Section 12. That no person or hand in Escambia county shall be liable or required to work any public road, more than six days in any one calendar year not counting the days engaged in opening new roads; provided

that in case of washouts or obstructions of any kind on the public roads, all hands warned by the overseer for the purpose of removing such obstructions, repairing the roads, causeways, or bridges, are bound to attend notwithstanding they have worked six days and failing to do so must be proceeded against by such overseer, as other defaulters.

Approved July 31st, 1907.

No. 451.) AN ACT (H. 1267.)

To provide for the payment of the court of county commissioners of Bullock county, Alabama, out of the county treasury for removal fees, mileage and per diem for the removal of persons charged with misdemeanor.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Bullock county, Alabama, be and is hereby authorized and empowered to pay out of the general fund in the county treasury to the sheriff of said county for the removal from any county jail in the State of Alabama of any person charged with a misdemeanor in said Bullock county to the county jail in said county the same fees, mileage and per diem as are now provided by law for the removal of a person charged with a felony. Payment provided for.

Approved July 31, 1907.

No. 452.) AN ACT (H. B. 1016.)

To repeal an act entitled an act to establish, maintain and regulate a dispensary in the town of Ragland, in St. Clair county, Alabama, for the sale of spirituous and vinous

liquors, malt liquors, wines, ciders and other intoxicating liquors and to create a board of directors for the purpose of better controlling and managing the sale of spirituous and vinous liquors, malt liquors, wines, ciders, and other intoxicating liquors and for other purposes.

Act repealed.

Section 1. Be it enacted by the Legislature of Alabama, That an act approved September 18th, 1903, to establish, maintain, and regulate a dispensary in the town of Ragland, in St. Clair county, Alabama, for the sale of spirituous and vinous liquors, malt liquors, wines, ciders, and other intoxicating liquors, and to create a board of directors for the purpose of better controlling and managing the sale of spirituous and vinous liquors, malt liquors, wines, ciders, and other intoxicating liquors and for other purposes, be and the same is hereby repealed.

Approved July 31, 1907.

No. 453.)

AN ACT

(H. B. 1292.

To require the court of county commissioners of Baldwin county to let to the lowest bidder after due notice by publication, the road and bridge contracts in Baldwin county, provided said bidder gives bond for the faithful performance of contract.

Bids, how let,
etc.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Baldwin county shall after notice inviting bids upon the road and bridge contracts of said county by publication at least once a week for four consecutive weeks in some newspaper published in said county, or if there be no newspaper published therein then by posting the said notice for four consecutive weeks at five different places in said county prior to the term of

court at which such bids are to be received, let to the lowest and best bidder such road and bridge contracts in Baldwin county; provided, said bidder gives bond for faithful performance of contract and provided further, that said court shall have the right to reject any bid which in their judgment, is too high or too much for the work to be done.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal.

Approved July 31, 1907.

No. 454.) AN ACT (H. B. 1099.

To amend section 3 of an act entitled an act to establish a separate school district in Clark county, Alabama, to be known as the Grove Hill School District, and to provide for the maintenance of the same. Approved March 4th, 1901.

Section 1. Be it enacted by the Legislature of Alabama, That section 3 of an act entitled "an act to establish a separate school district in Clark county, Alabama, to be known as the Grove Hill School District, and to provide for the maintenance of the same." Approved March 4th, 1901. Act amended.
Be amended so as to read as follows:

Section 3. That on the first Monday in January, 1908, and every two years thereafter the white patrons of said district shall assemble at the school house thereof, at ten o'clock, a. m. and elect five trustees, who shall serve for two years and until their successors are elected. That said board of trustees so elected shall elect from their number a chairman whose duty it will be to preside at and call all necessary meetings of said board to approve the quarterly reports of teachers in the manner provided by the general school Election of trustees, etc.

laws for the trustees of townships, and to perform all other duties that said board of trustees may prescribe.

Approved July 31, 1907.

No. 455.)

AN ACT

(H. 1046.

To amend section two of an act to constitute the city of Anniston a separate school district, and to provide a board of education therefor.

Act amended.

Section 1. Be it enacted by the Legislature of Alabama, That, section 2 of an act to constitute the city of Anniston a separate school district and to provide a board of education therefor, approved January 28th, 1891, be amended so as to read as follows:

Board of education; members of, election, etc.

Section 2. That the public schools of the city of Anniston shall be under the control and management of the board of education to consist of eleven suitable persons to be elected by the mayor and city council of Anniston from the qualified electors of the city. Such board shall be divided into three classes, four in each of two classes, and three in the other class. The first class of four shall be elected at the first regular meeting of the city council in March, 1909, the second class of four, at the same time in 1911, and the third class of three at the same time in 1913, and the term of office shall be six years, and until their successors have been elected and qualified, and biennially thereafter said mayor and city council shall elect the successors to the members whose terms expire. Vacancies in said board, caused by death, resignation, or removal, shall be filled for the unexpired term by the mayor and city council. The board shall elect a chairman from its members, who shall hold office for the term of two years. He shall have the right to vote upon all questions before said board and shall have

Vacancy.

Chairman;
voting power
of.

a casting vote where there shall be a tie. Provided that the members of said board as now constituted shall serve for the several terms for which they have been elected, and provided further that in March, 1909, in addition to the four of the class elected for the full term of six years, a fifth shall be elected for a term of two years, and his successor shall be elected for a full term of six years, as one of the four of the said second class.

Approved July 31, 1907.

No. 456.)

AN ACT

(H. 1018.)

To authorize an election in the county of Talladega, to determine whether or not bonds in the sum of two hundred and fifty thousand dollars shall be issued by said county for the purpose of building macadam, chert, and gravel public roads therein.

Section 1. Be it enacted by the legislature of Alabama, That in order to ascertain the will of a majority of the qualified electors of Talladega county as to whether or not bonds shall be issued by said county in the sum of two hundred and fifty thousand dollars, for the purpose of building macadam, chert and gravel public roads in said county, it is hereby enacted, that upon the filing of a petition with the court of county commissioners of said county, not earlier than November, 1908, of said court, signed by not less than two hundred and fifty of the qualified electors of said county praying for such election, that the said court of county commissioners of said county shall thereupon, by order entered upon the minutes of said court, appoint a day not less than thirty days from the making of such order for an election to be held at the several polling places in said county at which all the qualified electors, of said county, shall be entitled to vote, and shall give notice of the time and places for holding

Election authorized.

Purpose of.

How conducted.

such election and the purpose thereof, by publication in some newspapers published in the county for three consecutive weeks.

Section 2. That said election shall be conducted as near as may be provided by law for the holding of general election; the ballot to be voted to have printed thereon "For Bonds" and "Against Bonds" in separate lines, the preference of the elector to be manifested by making a cross mark before the words "For Bonds" or "Against Bonds" as he may determine.

Returns, how made and canvassed.

Section 3. That the returns of said election shall be made to the sheriff of said county, and the same shall be canvassed, by the judge of probate, circuit clerk, and sheriff of said county and the result certified to the court of county commissioners of said county, either at the next regular meeting, or at a meeting of said court called for the purpose, by the judge of probate.

Effect of result of election.

Section 4. That if a majority of the votes cast at such election, shall be "Against Bonds" an entry to that effect shall be entered upon the minutes of said court. Should a majority of the votes cast at said election be "For Bonds" then full entry of that fact, together with the petition for election, the orders of the court thereon, the returns of the election as tabulated by the board of canvassers shall be entered, of record on minutes of the court and such other proceedings had as may be provided by law for the issuance and sale of said bonds, and the appropriation of the proceeds thereof, for the purposes set forth. Provided that this act shall be inoperative and of no effect, unless a bill to be entitled "An act to authorize Talladega county, Alabama, to build and construct macadam, chert and gravel public roads, and the necessary bridges, culverts, and drainways thereof, and to issue bonds of said county to aid in the construction thereof shall be enacted into law.

Expenses of, how paid.

Section 5. That the expenses of any election under this act, shall be paid by the county of Tal-

ladega, upon the order of the court of county commissioners.

Approved July 31, 1907.

No. 457.)

AN ACT

(H. 934.

To repeal an act entitled "An act to provide for the establishing of a separate school district to be known as the North Birmingham district in Jefferson county, Alabama, and to provide for the selection of a board of trustees for said school district with certain duties and powers," approved March 4th, 1901.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled "An act to provide for the establishing of a separate school district to be known as the North Birmingham district in Jefferson county, Alabama, and to provide for the selection of a board of trustees for said school district with certain duties and powers," approved March 4th, 1901, be and the same is hereby repealed.

Approved July 31, 1907.

No. 458.)

AN ACT

(H. 1053.

To alter and rearrange the boundaries of the town of Pollard, extending the corporate limits of said town.

Be it enacted by the legislature of Alabama :

Section 1. That the boundaries of the town of Pollard, in the county of Escambia and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said town all that territory lying within the county of Escambia, and State of Alabama, included within the following

Boundaries changed.

Territory included.

boundaries to-wit: Beginning at the center of the Louisville and Nashville railroad track at the southern end of the railroad trestle spanning Jernigan's Mill creek and run due west four hundred (400) yards; thence due south to a point that is one half mile south of the southern bank of Bay branch; thence due east one thousand (1000) yards; thence due north to a point that is six hundred (600) yards due east of the point of beginning and thence due west six hundred (600) yards to the point of beginning.

Boundaries
made corpo-
rate limits.

Section 2. That the boundaries set out in section one of this act be and the same are hereby established as the corporate limits of the said town of Pollard.

Approved July 31, 1907.

No. 460.)

AN ACT

(H. 1191.)

To provide that the sheriff of Bullock county, Alabama, shall receive for impanelling grand juries, advertising and attending all elections in his county and for all other public service not otherwise provided for, such sum as may be allowed by the court of county commissioners to be paid out of the county treasury, not exceeding five hundred (\$500) dollars per annum.

Compenstion
of sheriff for
certain ser-
vices.

Section 1. Be it enacted by the legislature of Alabama, That the sheriff of Bullock county, Alabama, shall receive for impanelling grand juries, advertising and attending all elections in his county and for all other public service not otherwise provided for, such sum as may be allowed by the court of county commissioners, to be paid out of the county treasury, not exceeding five hundred (\$500.00) dollars per annum.

Section 2. That all laws and parts of laws in conflict with the above act, be and the same are hereby repealed.

Approved July 31, 1907.

No. 461.)

AN ACT

(H. 951.

To vacate and annul Fifth street between Second and Third avenues; Sixth street between Second and Third avenues; Third avenue between Fourth and Sixth streets; the alley extending north and south in block eleven, and the alley running east and west in block eleven in the Pratt Land & Improvement Company's survey of East Thomas, Jefferson county, Alabama.

Be it enacted by the legislature of Alabama, That Fifth street between Second and Third avenues; Sixth street between Second and Third avenues; Third avenue between Fourth and Sixth streets; the alley extending north and south in block eleven, and the alley extending east and west in said block eleven of the Pratt Land & Improvement Company's survey of East Thomas, in Jefferson county, Alabama, a map of which survey is recorded in map book 4 on page 53, in the office of the probate judge of said county, be and the same are hereby annulled, vacated and abolished as streets or public highways and the same shall forever cease to be public streets or highways and the dedication thereof as such is hereby extinguished and annulled.

Approved July 31, 1907.

No. 462.)

AN ACT

(H. 920.

To amend section nine of an act entitled an act to authorize all incorporated towns or cities

in Elmore county to establish and operate dispensary or dispensaries in such incorporated towns or cities, for the purpose of buying and selling spirituous, vinous or malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the selling of such liquors in such county, approved February 9th, 1907.

Act amended. Be it enacted by the legislature of Alabama, That section nine of an act entitled an act to authorize all incorporated towns and cities in Elmore county to establish and operate dispensary or dispensaries in such incorporated towns or cities, for the purpose of buying and selling spirituous, vinous or malt liquors, and to provide for the distributions of certain profits arising therefrom and to further regulate or prohibit the selling of such liquors in such county, approved Feb. 9th, 1907, be and the same is hereby amended so as to read as follows: Section 9. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of the town or city in which he is conducting a dispensary, and to the probate judge itemized monthly reports giving full and accurate information as to the conditions, expenses, profits, losses and status of the business. He shall make other and additional reports, oral or writing, whenever and as often as the legislative body of his town or city or any member of said body may require. Subject to the provisions of this act, such legislative body shall regulate and control the conduct and management of said business. On the 30th day of September of each year, beginning with the 30th day of September, of the year in which said dispensaries shall be established said cities and towns doing business under this act shall pay to the county superintendent of education of said county fifty per cent of the net profits of the sev-

Liquors bought and sold for cash only.

Account kept.

Reports of dispenser.

Amount of net profits used for schools.

eral dispensaries after deducting all the expenses of operating the dispensaries. The county superintendent of education of said county shall apply the funds so received by him to the township and district schools in said county in the same proportion as the public school fund of this State is distributed.

Approved July 31, 1907.

No. 463.)

AN ACT

(H. 1298.

To authorize and empower the court of county commissioners of Butler county to contract for and place in the office of the various officers of said county, telephones, writing machines and other mechanical devices as in the opinion of the said court of county commissioners is necessary or expedient and to contract for and place in the jail and poor houses of said county such telephones as may be necessary.

Section 1. Be it enacted by the legislature of Alabama, At the court of county commissioners of Butler county, Alabama, be authorized and empowered to contract for and place in the offices of the various officers of said county who have their offices in the court house such telephones as in the opinion of said court of county commissioners is necessary or expedient. Telephones in offices.

Section 2. That said court of county commissioners be authorized and empowered to contract for and place in the jail and poor houses of said county such telephones as the said court of county commissioners may deem necessary. Telephones in jail and poor houses.

Approved July 31, 1907.

No. 464.)

AN ACT

(H. 899.

To validate claims against Clay county, Alabama, for work and labor and material or supplies furnished said county under pro-

visions of the recent Clay county road law which has been declared unconstitutional, and authorize the commissioners' court to audit and allow such claims as preferred claims against the general fund of said county and direct payment of same.

Certain claims
made valid.

Section 1. Be it enacted by the legislature of Alabama, That all claims held by persons against Clay county, Alabama, for work and labor done or material or supplies furnished for said county, under the provisions of the recent local Clay county road law which has been declared unconstitutional are hereby validated and legalized; and the court of county commissioners of said county is hereby authorized and empowered to audit and allow the same as preferred claims against the general fund of said county and direct payment of same.

Approved July 31, 1907.

No. 465.)

AN ACT

(H. 832.

To vacate the dedication of all that part of Charles avenue lying north and east of the eastern line of Twelfth street as now located between avenues "H" and "I" in the city of Birmingham, Jefferson county, Alabama, and which was dedicated as a public highway.

Dedication an-
nulled and
vacated.

Section 1. Be it enacted by the legislature of Alabama, That the dedication of that portion of Charles avenue lying north and east of the eastern line of 12th street as now located between avenues "H" and "I" in the city of Birmingham, Jefferson county, Alabama, which was dedicated as a public highway, be and the same is hereby annulled and vacated and shall forever cease to be a public highway.

Approved July 31, 1907.

No. 466.)

AN ACT

(H. 885.)

To amend an act entitled "An act to prohibit the sale, giving away or disposing of spirituous, vinous or malt liquors or any intoxicating bitters or beverages within one mile of Old Mt. Zion Baptist church, Barbour county," approved February 9th, 1897, and to provide a penalty for the violation of this act.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled an act to prohibit the sale, giving away or disposing of spirituous, vinous or malt liquors or any intoxicating bitters or beverages within one mile of Old Mt. Zion Baptist church, Barbour county, approved Feb. 9, 1907, be amended so as to read as follows: Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors or any intoxicating bitters or beverages within one mile of Old Mt. Zion church, beat 15, Barbour county. Act amended.
Unlawful to sell, etc., in certain limits.

Section 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and on conviction for the same must be fined not less than twenty dollars, nor more than five hundred dollars, and may also be imprisoned in the county jail not exceeding thirty days. Penalty for violation.

Section 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Repeal.

Approved July 31, 1907.

No. 467.)

AN ACT

(H. 1038.)

To authorize the court of county commissioners of Wilcox county to purchase or acquire three or more ferries along the Alabama river in said county. To operate and maintain same for the public use.

Purchase, etc.,
authorized.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Wilcox county are hereby authorized to purchase or acquire the existing ferries along the Alabama river in said county, or to establish new ferries when in their judgment they should be established and to operate and maintain said ferries thus acquired free for the public use.

Approved July 31, 1907.

No. 468.)

AN ACT

(H. 884.

To authorize the board of mayor and aldermen of the city of Tuskaloosa to maintain or to contribute to the maintenance of a wagon yard or lot in the city of Tuskaloosa, for the benefit of the public, and to prescribe rules for the government of same and to pay out of the general fund of the city such sums of money as the said city board deems necessary for the maintenance or part maintenance of said wagon yard or lot.

Contribute to
maintenance
of wagon yard.

Section 1. Be it enacted by the legislature of Alabama, That the board of mayor and aldermen of the city of Tuskaloosa be, and it hereby is authorized and empowered to maintain or contribute to the maintenance of a wagon yard or lot in the city of Tuskaloosa to contract for the rent, or lease of a suitable lot or lots in said city for such purpose, to pay rent therefor, to employ a suitable man as the keeper of the same, to fix and pay the salary of the keeper, to pay all expense incident to the management of same, to prescribe such rules and regulations for the use of said yard or lot by the public as said board may deem necessary or proper, from time to time, to pass ordinances necessary for the enforcement of such regulations and to do all things necessary in and about the management, control and support of said wagon yard and lot.

Section 2. That said board of mayor and aldermen is hereby authorized and empowered to pay from the general fund of the said city such sum or sums of money as said board may deem proper or necessary for the support and maintenance in whole or in part of said wagon yard or lot.

Payment of
money autho-
rized.

Approved July 31, 1907.

No. 469.)

AN ACT

(H. 1010.

To ratify and confirm the acts and contracts of the court of county commissioners of Russell county or other authorized agents of said county in borrowing money for the use and benefit of said county and to ratify and confirm the warrants given on said contracts for money so borrowed.

Section 1. Be it enacted by the legislature of Alabama, That all acts and contracts of the court of county commissioners of Russell county, Alabama, or other authorized agents of said county heretofore made in borrowing money for the use and benefit of said county are hereby ratified, confirmed and made valid and the county warrants given on said contracts for money so borrowed are hereby ratified, confirmed, declared to be valid and made valid.

Approved July 31, 1907.

No. 471.)

AN ACT

(H. 1042.

To repeal an act entitled "An act to increase the number of grand and petit jurors in Winston county," approved February 7th, 1885.

Be it enacted by the legislature of Alabama, That an act approved February 7th, 1885, which

Act repealed.

said act is in words as follows: Section 1. Be it enacted by the general assembly of Alabama, That from and after the passage of this act that it shall be the duty of the officers whose duty it is by law to draw and summon jurors in and for the county of Winston to draw and summon envenire 15 grand and 24 petit jurors to serve at each term of the circuit court in said county according to the rules prescribed by the general statutes of the State of Alabama.

Section 2. That if any such persons so summoned shall fail to attend, that it shall be the duty of the court to complete said juries as provided by the general statutes of the State.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same is hereby repealed. Approved February 7th, 1885, be and the same is hereby repealed in so far as it relates to the number of grand jurors.

Approved July 31, 1907.

No. 472.)

AN ACT

(H. 1009.

To authorize the county of Russell to borrow money not exceeding the current revenue of said county for any one year, in the discretion of the court of county commissioners of said county.

Authority to
borrow
money.

Section 1. Be it enacted by the legislature of Alabama, That the commissioners' court of Russell county is hereby authorized to borrow money upon the credit of said county, not exceeding the current revenue of said county for any one year, and all contracts for money so borrowed shall be evidenced in such form as said commissioners' court may direct, provided that no loan contracted under this act shall run longer than three years.

Approved July 31, 1907.

No. 473.)

AN ACT

(H. 896.)

To repeal an act entitled "An act to authorize the commissioners' court of Butler county to order elections for the establishment of districts in which stock shall be prevented from running at large." Be it enacted by the legislature of Alabama, That an act entitled "An act to authorize the commissioners' court of Butler county to order elections for the establishment of districts in which stock shall be prevented from running at large," approved February 17, 1893, be and the same is hereby repealed.

Approved July 31, 1907.

No. 474.)

AN ACT

(H. 1089.)

To require one round to be made by the tax collector and tax assessor of Blount county for the purpose of assessing and collecting taxes. said round to begin the first Monday of November of every year.

Section 1. Be it enacted by the legislature of Alabama, That there shall be made one round by the tax collector and the tax assessor of Blount county every year for the assessment and collection of taxes which round shall begin the first Monday in November of every year.

Approved July 31, 1907.

No. 475.)

AN ACT

(H. 1100.)

To prohibit the manufacture of spirituous or malt liquors in Cherokee county.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, firm or corporation to manufacture in any

Penalty for
violation.

way or manner spirituous or malt liquors in Cherokee county in this State.

Sec. 2. That any person, firm or corporation who violates any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, for the first offense, shall be sentenced to hard labor for the county for not less than six months, and may also be fined not less than one hundred dollars nor more than one thousand dollars, and on conviction thereof of each subsequent violation of this act, shall on each conviction be sentenced to hard labor for the county for twelve months and may also be fined not less than five hundred dollars nor more than one thousand.

Indictment,
sufficiency of.

Sec. 3. That any indictment preferred for a violation of this act, shall be sufficient if it states that the person therein charged manufactured spirituous or malt liquors, contrary to law, and under any such indictment the State may show whether the person charged had been before convicted of a violation of this law.

Fines; how
paid.

Sec. 4. That all fines assessed for a violation of this law, shall be paid in money. Provided however, that the provisions of this bill shall not be effective until January 1st, 1908.

Effect.

Approved July 31, 1907.

No. 476.)

AN ACT

(H. 1219.

To increase the salary of the solicitor of Jefferson county to the sum of four thousand, five hundred dollars per annum, and provide for the payment of said salary.

Amount of
salary.

Section 1. Be it enacted by the legislature of Alabama, That the solicitor of Jefferson county shall receive an annual salary of four thousand, five hundred dollars, to be paid quarterly by the county of Jefferson out of any funds in the treasury of said county, provided however, the pro-

How paid.

visions of this act shall not apply to the present Effect.
term of the solicitor of Jefferson county.

Approved July 31, 1907.

No. 477.) AN ACT (H. 1218.

To fix the time for the election of the solicitor of
Jefferson county.

Section 1. Be it enacted by the legislature of Alabama, That the solicitor of Jefferson county shall be elected at the general election held in the year 1910, and every four years thereafter, and shall hold office until his successor is elected and qualified.

Approved July 31, 1907.

No. 478.) AN ACT (H. 1004.

To repeal an act entitled an act to establish and
define the boundary lines of Spring Hill
school district, Pike county.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled an act to establish and define the boundary lines of Spring Hill school district in Pike county, approved Feb'y 13, 1885, be and the same is hereby repealed.

Approved July 31, 1907.

No. 479.) AN ACT (H. 917.

To prohibit the sale or otherwise disposing of
spirituous, vinous or malt liquors, intoxicat-
ing drinks, bitters or beverages, in Dale
county, Alabama.

Sale, etc.,
prohibited.

Penalty for
violation.

Repeal.

Section 1. Be it enacted by the legislature of Alabama, That on and after the first day of January, 1908, any person, firm or corporation who sells or otherwise disposes of any spirituous, vinous or malt liquors, intoxicating drinks, bitters or beverages, in Dale county, Alabama, shall be guilty of a misdemeanor, and on conviction therefor shall be fined not less than fifty dollars, nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Section 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed so far as the same relates to Dale county.

Approved July 31, 1907.

No. 480.)

AN ACT

(H. 950.)

To vacate and annul Stollenwerck avenue as show on map of Village Land Company survey in Jefferson county, Alabama, as a public street or highway and to annul and extinguish the dedication thereof. Be it enacted by the legislature of Alabama:

Avenue va-
cated.

Section 1. That Stollenwerck avenue, as said avenue is shown by a map and survey of the Village Creek Land Company, recorded in map books two, on page one, in the office of the probate judge of Jefferson county, Alabama, be and the same is hereby annulled, vacated and abolished as a street or public highway, and the dedication thereof as such is hereby extinguished and annulled.

Approved July 31, 1907.

No. 481.)

AN ACT

(H. 862.)

To provide for the payment of jurors in Clarke county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That grand jurors, regular and tales jurors serving in the circuit courts in civil and criminal cases, and those serving in the chancery court, of the county of Clark, are entitled to three dollars for every day's service as such juror, five cents for each mile travelled in going to and returning from court, and ferriage and toll, to be proved by oath of the juror before the clerk or register of the court, whose duty it is to give each juror a certificate, stating therein the number of days he has served, the number of miles he has travelled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled; which certificate shall be receivable in payment of county taxes and any other county dues, and payable out of the county treasury.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved July 31, 1907.

No. 483.)

AN ACT

(H. 889.)

To prohibit the operation of traction engines on the public roads of Bibb county, Alabama.
Be it enacted by the legislature of Alabama:

Section 1. That from and after the approval of this act, it shall be unlawful for any person, firm or corporation to haul logs, lumber or freight by means of a traction engine along the public roads of Bibb county, Alabama.

Section 2. That any person, firm or corporation violating the provisions of section one of this act shall be liable to a fine of not less than five dollars nor more than ten dollars for each violation.

this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars, nor more than five hundred dollars for each day such violation continues.

Repeal.

Section 3. That all laws and parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved July 31, 1907.

No. 484.)

AN ACT

(H. 971.

To provide for the compensation of the solicitor for Mobile county, to be elected in 1910, and his successors in office.

Salary, amount
of, how paid.

Section 1. Be it enacted by the legislature of Alabama, That the solicitor for Mobile county to be elected in 1910, and his successors in office shall receive as compensation for the performance of the duties of said office a salary of five thousand dollars a year, payable in equal monthly installments out of the treasury of said county.

Approved July 31, 1907.

No. 485.)

AN ACT

(H. 1039.

To authorize the court of county commissioners of Wilcox county to borrow money, not exceeding one-half of the county revenue of said county per annum.

Authority to
borrow money.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Wilcox county are hereby authorized to borrow money to meet all current and necessary expenditures, provided that said court of county commissioners shall not borrow for any specific purpose an amount that is in excess of the one-half of the estimated receipts of the county taxes

for any current year for the specific fund for which it is borrowed.

Approved July 31, 1907.

No. 486.)

AN ACT

(H. 990.

To require the tax assessor and tax collector of Morgan county, Alabama, to make their round as required by law together and providing notice of said round.

Section 1. Be it enacted by the legislature of Alabama, That the tax assessor and tax collector of Morgan county, shall make their rounds together during the months of October and November of each year, for the purpose of assessing and collecting the taxes of said county. Round of assessor and collector made together.

Section 2. That this act shall become operative immediately upon its passage and approval by the governor. Effect.

Approved July 31, 1907.

No. 586.)

AN ACT

(S. 485.

To amend section (6) six, of an act entitled an act to create the office of associate judge of the city court of Gadsden; to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties, and to provide for the payment of his salary.

Section 1. Be it enacted by the legislature of Alabama, That section (6) six, of an act entitled an act to create the office of associate judge of the city court of Gadsden; to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties, and to provide for the payment Act amended.

Salary of as-
sociate judge.

of his salary, be and hereby is so amended as to read as follows: Section 6. Be it further enacted, That the salary of the associate judge of the city court of Gadsden, shall be twenty-four hundred dollars, per annum, payable monthly out of the State treasury, upon warrants drawn by the auditor, as circuit judges are now by law paid.

Effect.

Section 2. That this act shall be in force and operative immediately upon its approval.

Repeal.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 2, 1907.

No. 487.)

AN ACT

(H. 1139.

To repeal an act entitled, "An act to better provide for the working and maintenance of the public roads of Chambers, Lamar, Lawrence, Lowndes, Clay and Cleburne counties," approved February 18th, 1899, so far as the same relates to Lamar county.

Act repealed
as to Lamar
county.

Be it enacted by the legislature of Alabama:

Sec. 1. That an act entitled, "An act to better provide for the working and maintenance of the public roads in Chambers, Lamar, Lawrence, Lowndes, Clay and Cleburne counties," approved February 18th, 1899, be and the same is hereby repealed, so far as it relates to Lamar county, Alabama.

Approved July 31, 1907.

No. 490.)

AN ACT

(H. 1259.

To amend sections 4, 13, 20, 17, 24, 25 and by adding section 28 1-2 to the provision of an act entitled an act to provide a road law for the

county of Marengo and to enforce the same," approved February 26th, 1907.

Section 1. Be it enacted by the legislature of Alabama, That sub-division A of section 4 of an act to provide a road law for the county of Marengo and enforce the same, approved February 26th, 1907, be amended so as to read as follows:

(A) To hold a meeting of said road board at the court house in Linden within thirty days after the approval of this act, and divide the roads of Marengo county into convenient sections, and at said meeting must appoint one superintendent of public roads for each election precinct in the county, who shall not be less than 21 years of age, said appointment shall hold good, and said superintendent shall serve until the first regular meeting of said board, which said regular meeting of said road board shall be held on the 2nd Monday in November, 1907.

Sec. 2. That sub-division "b" of section 13 of said act, shall be amended so as to read as follows: (b) To put ten days work on the public roads of the county at such times and places as the road board may direct.

Section 3. That section 17 of said act be amended so as to read as follows: That the road board in their discretion, may fix a compensation for superintendents for faithful services rendered, not exceeding three dollars per day for days of actual service, to be paid monthly.

Sec. 4. That section 20 of said act be amended so as to read as follows: All male persons liable to road duty upon the public roads of Marengo county, and to the provision of this act except such persons as are exempt from road duties under the general laws of the State and the provisions of this act to work ten days upon the public roads of said county during each road year, provided, that it should be no exemption from road duty that a person resides within an incorporated town or city, and are required to work upon the streets thereof. Provided, further, that

Commutation
fee.

Members of
fire depart-
ments exempt.

Section 24
amended.

any person who resides in any such city or town, and has paid a street tax shall be credited on the road commutation fee, for the amount of such street tax, not to exceed two dollars per annum upon presentation of his receipt for payment of street tax, and the road superintendent must credit those who have paid their street tax, and who propose to work their time on the road for such pro-rata of their time as the said two dollars allowed for street tax bears to the sum fixed by the road board as a commutation fee, and, provided further, that any person liable to road duty under the general laws of this State, and this act, may perform their ten days work upon the public roads of Marengo county, by paying each year the sum of not less than five nor more than ten dollars as may be fixed by the road board to the justices of the peace, in his precinct designated by the road board, to receive the same, which said sum may be paid in full at the first warning during the year for work upon the public roads, or one-half may be paid at the first warning and the balance at the second warning at the option of the payer. And, provided further, that all male persons residing in Marengo county between the ages of eighteen and sixty years shall be liable to road duties as herein required. Provided, that the active members of any regularly chartered fire company to the number of twenty-five men shall be exempt from all road duty. Any person who shall fail or refuse to discharge his duty under the provisions of this act is guilty of a misdemeanor and shall be prosecuted and punished as provided in section 21 of this act. Provided that in towns of four thousand inhabitants or more there may be two fire companies organized, and the members of each, to the number of twenty-five active members, are exempt from road duty.

Sec. 5. That section 24 of said act shall be amended so as to read as follows: That the superintendent, or some person appointed by him, must give two days notice in person or in writing

to be left at the residence of all persons liable to work to meet at such time and place, as the superintendent of roads may appoint, and with such tools as he may direct, and the person appointed and who warns the hands, may have such credit for time as the superintendent may deem just. Any employer of hands, who are subject to road duty, who interferes with the superintendent or any person appointed by him to warn road hands, in the execution of such notices, or shall cause or advise such hands to not meet the superintendent according to notice is guilty of a misdemeanor, and on conviction, shall be fined not less than ten dollars for each offense.

Sec. 6. That section 25 of said act, be amended so as to read as follows: That if any justice of the peace, or the judge of an inferior court in lieu of all justices of the peace, shall fail or refuse to perform the duties imposed upon him by the provisions of this act, he shall be liable as for a failure to perform an official duty. That it shall be the duty of justices of the peace, or judges of any court in lieu of justices of the peace designated under the provisions of this act, to receive the amount fixed by the road board in lieu of work, when tendered by any person liable to road duty in his precinct, and to give such person receipt for such amount as may be paid, which receipt, or receipts when for the full amount fixed by the board, shall exempt from road duty for that year, except for the opening of new roads, and shall within ten days after the collection, pay over the same to the county treasurer to the credit of the road fund, and the said justice or judge is hereby authorized to retain for his services out of the money so received by him, twenty-five cents for each certificate for full amount of commutation fee, and twelve and one-half cents each where commutation fee is paid in installments as herein provided; and each of the officers appointed and designated under this act, shall make quarterly reports in writing and under oath to the county treasurer of all amounts

Warning hands, etc.

Section 25 amended.

Penalty for failure to perform duty by justice of peace, etc.

Duty as to receiving, etc., commutation fee.

received by him under this act and from whom received.

Section added.

County treasurer may be required to give bond.

Sec. 7. That said act be further amended by adding the following new sections, which shall read as follows: Section 28 1-2. That if at any time the road board shall deem it expedient, the county treasurer may be required by it, to give bond with some guaranty company as surety, in such sum as the road board may fix, said bond to be approved by the judge of probate of Marengo county, for the faithful discharge of his duty as the custodian of the road fund of Marengo county.

Approved Aug. 2, 1907.

No. 492.)

AN ACT

(H. 891.

To provide for the election of the county commissioners of Bibb county, Alabama, and to prescribe their terms of office. Be it enacted by the legislature of Alabama:

Election of commissioner district.

Term of office.

District 3.

Term of office.

District 2.

Term of office.

Section 1. At the general election in November, 1908, and every four years thereafter a county commissioner for Bibb county, Alabama, shall be elected by the qualified voters of commissioner district number one of said county, whose term of office shall be four years and until his successor is elected and qualified.

Section 2. At the general election in November, 1908, and every four years thereafter a county commissioner for Bibb county, Alabama, shall be elected by the qualified voters of commissioner district number three of said county, whose term of office shall be four years and until his successor is elected and qualified.

Section 3. At the general election in November, 1908, a county commissioner for Bibb county, Alabama, shall be elected by the qualified voters of commissioner district number two of said county for a term of two years and until his suc-

cessor is elected and qualified, and at the general election in November, 1910, and every four years thereafter a county commissioner for Bibb county, Alabama, shall be elected by the qualified voters of commissioner district number two of said county whose term of office shall be four years and until his successor is elected and qualified.

Section 4. At the general election in November, 1908, a county commissioner for Bibb county, Alabama, shall be elected by the qualified voters of commissioner district number four of said county for a term of two years and until his successor is elected and qualified, and at the general election in November, 1910, and every four years thereafter, a county commissioner for Bibb county, Alabama, shall be elected by the qualified voters of commissioner district number four of said county, whose term of office shall be four years and until his successor is elected and qualified.

Section 5. The county commissioners referred to in this act shall be on the date of their election qualified voters of the respective districts for which they are elected, and the said county commissioners shall reside in their respective districts during their terms of office.

Section 6. Beats number 1, 2, 9, 10 and 11 of Bibb county shall compose commissioner district number 1 of said county, beats number 3, 4 and 12 shall compose commissioner district number 2 of said county, beats number 5 and 7 shall compose commissioners district number 3 of said county and beats number 6 and 8 shall compose commissioners district number 4 of said county.

Approved July 31, 1907.

No. 494.)

AN ACT

(H. 1032)

To provide for an official shorthand reporter for the thirteenth judicial circuit; to prescribe the qualifications, term of office and duties of such reporter, and to fix his compensation and fees.

Office created.

Qualifications.

Oath.

Bond.

Duty of.

Section 1. Be it enacted by the Legislature of Alabama, that there is hereby created the office of official shorthand reporter for the thirteenth judicial circuit. No person shall be eligible for said office who is not a qualified elector of said circuit, and has not on examination taken shorthand notes from dictation at the rate of one hundred and seventy-five words per minute, on three separate tests, and afterwards correctly transcribed the same. Said reporter shall be sworn officer of the court, and in addition to the statutory oath office, must take the following oath: "I do solemnly swear that I will faithfully and correctly take down in short-hand and transcribe the oral testimony and proceedings in the circuit court for the thirteenth judicial circuit, as required by law, so help me God." The judge of said court may require said reporter to give bond in a sum not to exceed five hundred dollars, for the faithful performance of his duties, but such bond need not be given unless required by order of the court.

Section 2. It shall be the duty of said reporter, in person or by assistant, to attend from day to day the circuit court in the several counties comprising said thirteenth judicial circuit, and take stenographic notes of the oral evidence and proceedings, (except argument of council), in each case tried therein, noting all objections, the ruling of the court thereon and exceptions taken thereto, if any, together with the oral charge of the court to the jury and all exceptions thereto. Said reporter shall cause the original short-hand notes in each case to be properly indexed and filed in some safe and convenient place to be prescrib-

ed by the court, and the same shall constitute a record of his office. Upon the written demand of any person applying for the same in person or by counsel, said reporter must, within thirty days thereafter, prepare and file a transcript of his stenographic notes, which he must certify; provided, the judge of the court may extend the time within which such transcript may be filed. The reporter shall be entitled to demand and receive from the party ordering the transcript, upon the delivery thereof, the sum of fifteen cents for each one hundred words, which, if such transcript is ordered by a party to the cause, shall be taxed in the costs. Said reporter may require sufficient security to cover the cost of the transcript, to be deposited with the clerk of the court; provided that in criminal cases, if the defendant is unable to pay the costs, the same shall be reduced one-half and paid by the county and taxed as other costs in the case.

Fees per hundred words.

Section 3. The official stenographer of the courts of record of Mobile county shall be ex-officio the official reporter for the thirteenth circuit, and shall hold office for six years, and until his successor is appointed and qualified. The reporter may attend any of said courts by assistant, but such assistant shall have no claim for compensation, for services rendered except against the official reporter. The certified transcript of the official, or assistant reporter, shall be prima facie, correct, and the burden of proving otherwise shall be upon the party alleging it.

Mobile county reporter ex-officio reporter.

Term of office.

Assistant.

Section 4. For the services required to be performed hereunder and to defray the expenses of said official reporter, he shall be entitled to a salary under this act, to be paid by the several counties comprising the said thirteenth judicial circuit, the same to be prorated among and paid by the different counties on the first day of each month from and after the approval of this act as follows: Twenty dollars per month by the county of Baldwin; twenty dollars per month by the county of Washington; one hundred and twen-

Salary; amount of and how paid.

Laws repealed.

ty-five dollars per month by the county of Mobile.

Section 5. Only such provisions of local or general laws which conflict with the provisions of this act and no other are repealed, but such as do conflict with the provisions of this act are expressly repealed.

Effect.

Section 6. This act shall take effect from and after its passage and approval.

Approved July 31, 1907.

No. 495.)

AN ACT

(H. 1190.

To repeal an act approved September the 30th, 1903, entitled an act to provide a better system, and the more efficient working of the public roads of Bullock county.

Act repealed.

Section 1. Be it enacted by the legislature of Alabama, That an act of the legislature of Alabama, approved September the 30th, 1903, entitled an act to provide a better system, and the more efficient working of the public roads in Bullock county, Alabama, be and the same is hereby repealed.

Approved July 31, 1907.

No. 496.)

AN ACT

(H. 901.

To authorize the court of county commissioners of Clay county, Alabama, to pay annually, on claims for public roads and bridges an amount out of the general fund of said county not to exceed one-fifth of said general fund levied and collected in any one year.

Authority to pay out of general fund.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Clay county, Alabama, is hereby authoriz-

ed to pay annually when it shall be deemed necessary by said court out of the general funds of said county on claims for public roads and bridges an amount not to exceed one-fifth of said general fund levied and collected in said county in any one year.

Approved July 31, 1907.

No. 497.)

AN ACT

(H. 836.

To amend an act, entitled an act to establish a separate school district, to be known as the Bethel School District, composed of a portion of Colbert, Lawrence and Franklin counties, Alabama, approved February 15th, 1899.

Section 1. Be it enacted by the legislature of Alabama, That a separate school district, composed of a portion of Colbert and Franklin counties, is hereby established, to consist of the following territory towit: Sections 25, 26, 35, 36, and the south half of 23 and 24, township 5, range 10 west, 29, 30, 31, 32 and the south half of 19, township 5 R, 9 W, 5 and 6 T, 6R, 9W, Colbert county, and section 1, less the west fourth of township 6 range 9 west of Franklin county.

Section 2. That said school district shall be entitled to receive its proper proportionate share of all funds raised or apportioned by the State or counties for public schools, also its proportionate share of the sixteenth section fund, accruing to the township of which said school district is a part, and it shall receive all poll taxes which may be collected from the white residents of said school district and all funds which may be donated thereto.

Section 3. That the educational affairs of said school district shall be under similar control, as that of the township trustees of the State, when not otherwise provided and shall be managed by

Duty of trustees as to location of school, etc.

five trustees who shall be elected by the qualified white voters of said school district, in the same manner and under the same provisions, as by law established for Colbert county, Alabama.

Section 4. That it shall be the duty of said trustees to establish and locate one school and but one, the same to be located at or near Bethel Baptist church, in said district, and elect officers and teachers for the same, and to perform all other duties, necessary to the proper organization, regulation and maintenance of said school, making contracts with teachers and approving reports in the manner provided by the general school laws; provided, that said trustees may elect one of their number chairman of the board of trustees, and said chairman may contract with teachers and approve reports, as in the manner provided for trustees of townships.

Trustees named.

Section 5. That the following named citizens, W. G. Holliman, F. M. Carpenter, C. M. Kirby, W. W. Daily and B. F. Carpenter, shall be trustees of said school district until their successors are elected and qualified for office.

Patrons of school.

Section 6. That any citizen living within one mile of the boundary line of said school district, may become a citizen and patron of said school district and school, by registering their name with the trustee of said district; but their decision shall be final and all their prorata share of the public school funds shall be transferred to said school district.

Incidental fee.

Section 7. That the trustees of said school district shall have the right and power to assess and collect a reasonable incidental fee from each pupil for incidental expenses of said school, should it at any time become necessary to the well doing of said school.

Repeal.

Section 8. That all laws and parts of laws, both general and special, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved Aug. 1, 1907.

No. 499.) AN ACT (H. B. 870.

To repeal "an act entitled an act to establish the county court of Coffee for Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8th, 1901, and all subsequent and amendatory acts relating to said court, and to transfer all the civil and criminal proceedings therein pending together with all the dockets, papers and books relating to said cases in said county court of Coffee to the circuit court of Coffee county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled "an act to establish the county court of Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8, 1901, be and the same is hereby repealed, to take effect on January 1st, 1908. Act repealed.

Section 2. That an act to amend an act entitled "an act to establish the county court of Coffee for Coffee county with criminal jurisdiction in misdemeanor cases," approved February 8, 1901. Said act as amended to make said court an inferior court of record with civil jurisdiction as well as criminal, as follows: Said court to have jurisdiction in all civil matters concurrently with justices of the peace, and also with the circuit court of said county wherein the subject matter does not exceed \$500.00 except in civil actions of libel, slander, assault and battery and ejectment, or statutory actions in the nature of ejectment; also providing for the trial by said court of all appeals from justice of the peace courts of said county in civil actions; regulating the power and authority of the judge of said court and making the same commensurate with the judge of circuit court of said county with respect to remedial writs, and vesting jurisdiction in the judge of court with respect to the trial of habeas corpus cases in said county commensurate with judges of probate, regulating the practice Act amending repealed.

and procedure in said court and prescribing the qualifications of the judge and solicitor and providing their salaries and mode and means of payment; providing for jury terms and regulating the juries thereof and selection; restoring to justices of the peace original jurisdiction of the misdemeanor cases provided for them under the code providing for appeals in such cases to said county court of Coffee and further regulating said courts and trials therein," approved September 29, 1903, be and the same is hereby repealed to take effect on January 1, 1908.

Criminal cases
on indictments
transferred.

Section 3. That on and after January 1, 1908, all criminal cases pending in said county court of Coffee on indictments or by appeal from justices of the peace shall be transferred to the circuit court of said county and entered on the docket of the said circuit court by the clerk thereof and exclusive jurisdiction shall vest in the said circuit court.

Same, pending on warrant.

Section 4. That on and after January 1, 1908, all criminal cases in said county court of Coffee, pending on warrants shall be delivered to the clerk of the circuit court and certified by him to the next grand jury of said county.

Civil cases
transferred.

Section 5. That on and after January 1, 1908 all civil cases on the docket of the said county court of Coffee of which the circuit court of said county has original jurisdiction, and all appeal cases from justices of the peace shall be transferred to the circuit court of said county and entered on the docket of the said circuit court by the clerk thereof and the circuit court is invested with power and authority to try and dispose of the said cases.

Cases in which
circuit court
has not original jurisdiction.

Section 6. That on and after January 1, 1908, all cases on the docket in the said county court of Coffee of which the circuit court has not original jurisdiction shall be certified to the said circuit court of said county by the clerk of the said county court of Coffee and said cases be considered and disposed of as appealed cases from justices of peace.

Section 7. That all process of any kind not otherwise provided for which has been issued from and made returnable to said county court of Coffee county shall be returned to and shall be considered and regarded as returned to the circuit court of Coffee county in the same manner and to the same extent as if the same had been issued from and made returnable to the circuit court of Coffee county all recognizances shall be taken, construed and enforced as if taken by the said circuit court or as if they had been made to said circuit court.

Section 8. That from and after January 1, 1908, all proceedings for mandamus, habeas corpus, prohibition or other remedial writs, that may be pending before the judge of the county court of Coffee county shall be, and they are hereby transferred to the judge of circuit court of Coffee county and shall be tried or continued in the same manner and with the same force and effect as if they had been originally begun before the said judge.

Section 9. That all judgments that have been rendered by the county court of Coffee shall be enforced in the same manner, and with the same force and effect as if the said judgments had been originally rendered in the said circuit court of Coffee county; and that all proceedings for the enforcement of the said judgments shall be issued by the clerk of the circuit court of the county of Coffee and be returned in the same manner as is now prescribed by law for the enforcement of the judgments of the said circuit courts.

Section 10. That the clerk of the circuit court of Coffee county shall from and after January 1, 1908, keep all the records and minutes, dockets and papers and all other things pertaining to the proceedings pending in the county court of Coffee, and the said circuit clerk of the said circuit court is hereby invested with full authority to do and perform all the acts and discharge all

the duties in regard to said records, dockets and papers as if the county court was still in existence.

Approved Aug. 1, 1907.

No. 500.)

AN ACT

(H. B. 966.

To amend sections 7, 8, 14, 24, 21, 27, 29 and 32 of an act entitled an act to establish a law and equity court for Madison county, approved February 26, 1907. Be it enacted by the legislature of Alabama,

Sections amended.

Terms of court.

Grand juries.

Laws applicable on appeals to.

1. Sections 7, 8, 14, 21, 24, 27, 29 and 32 of an act entitled an act to establish a law and equity court for Madison county, approved February 26, 1907, are hereby amended so as to read as follows: 7. This court shall be held on the first Monday in March and may continue until the last Saturday in June inclusive, in each and every year, and on the first Monday in October, and may continue until the last Saturday in February inclusive, in each and every year, and at such terms shall transact all business, civil, criminal, or in equity, in such order, as the judge may direct, or see fit. 8. Grand juries shall be drawn and summoned and organized the first week of each term, whose sessions shall be limited to two weeks at each term, unless the judge shall enter an order upon the minutes extending the session. A grand jury may also be organized at any other time during a term at the discretion of the judge, with all the duties and powers of grand juries generally, whose sessions shall be limited to the week in which organized, unless the judge shall enter an order upon the minutes extending the session; such grand jury to be summoned and organized in the manner provided by Section 5000 of the code. 14. All laws providing for and regulating appeals from the courts of justices of the peace and notaries public, exercising the jurisdic-

tion and powers of justices, and the trials of such appeals in circuit courts, shall apply to this court when practicable and not in conflict with any provision hereof; and parties shall have the same right of appeal from such courts to this court as to circuit courts, in both civil and criminal cases. Where a levy is made on land under execution, or attachment from such courts, the justice or notary shall transmit all the papers in the cause to the present term of this court if practicable, otherwise to the next term, whereupon this court may proceed at once to order a sale of the land in like manner as circuit courts, as to whose powers in such cases, the provisions hereof are not meant to apply or interfere. 21. The register of the chancery court of Madison county shall be ex-officio register of this court as a court of equity; shall be clothed with all the powers, perform all the duties, and receive the fees and emoluments of registers in chancery. His bond shall cover all dereliction of duty as register of this court. He shall have, exercise and discharge the same powers and duties in term time, as in vacation. 24. Prosecutions for misdemeanors, may be instituted and warrants issued in this court before the judge, clerk of the court, justices of the peace, or notary public who is ex-officio justice of the peace, returnable before the judge. A party so proceeded against may, when the cause is first called for trial, and in any event before a continuance thereof, and not afterward, demand that the charge be investigated by a grand jury, and must execute bond for his appearance to answer such charge, if an indictment is returned and failing to do so, must be committed to jail to await the action of the grand jury; but bond may be taken by the sheriff at any time after such commitment. When such demand is granted the clerk must lay the papers before the grand jury. The judge, clerk, justices of the peace, and notaries, who are ex-officio justices, are empowered to take sworn complaints as to parties charged with felony, and to issue warrants thereon returnable

Register;
duty, power,
etc.

Prosecutions
for misdemeanors
instituted in, etc.

Laws applicable as to bills of exceptions and appeals from.

Procedure on appeals to.

before the judge. In prosecutions for misdemeanor the judge shall determine both the law and the facts, unless a jury is demanded; and no statement of the offense shall be necessary other than that contained in the affidavit, which shall designate the offense by name, or by some phrase which in common parlance designates it, and state that the affiant has probable cause to believe, and does believe that such offense has been committed by the party accused. 27. All laws and rules regulating bills of exception and appeals, both in civil and criminal cases from circuit courts, and regulating appeals from chancery courts, shall apply to this court, so far as practicable, and not in conflict with any provision hereof. Bills of exception must be signed by the judge within twenty days from the rendition of the judgment, whether such twenty days extends into vacation or not; but the judge may, by an order entered on the minutes, extend the time for not exceeding ninety days from the date of judgment, provided such order is entered before the expiration of such twenty days. Any number of extensions may be made within the limit of said ninety days, provided each order of extension is entered before the former order expires, the aggregate of such extensions, not to extend beyond said period of 90 days from the rendition of the judgment. 29. When an appeal is taken from the court of a justice of the peace, or notary, the plaintiff, if he take the appeal, shall file a new complaint in this court within ten days after the filing of the papers herein. If the defendant take the appeal, the plaintiff shall file such complaint within ten days after the filing of the papers in this court, provided notice of appeal from the justice or notary's court has been served upon him for five days as now provided by law in appeals from such courts to circuit courts. If plaintiff fails to file such complaint within such time, his case may be dismissed in term time or in vacation; if in vacation by entering a request for such dismissal upon the docket or ap-

pearance docket to be made final, or set aside, and complaint filed at the next term of the court, at the discretion of the judge upon such terms as he may prescribe. Such dismissal in term time, may be set aside at the discretion of the judge, upon application made not later than ten days thereafter, and complaint filed upon such terms as he may prescribe. A defendant in an appeal case shall have ten days after such new complaint is filed, notice of appeal having been served upon him from the court of the justice, or notary, for five days, as now required by law, where he is also the appellee, to plead thereto, and failing so to plead, a judgment by default, may be taken against him in vacation, or in term time; if taken in vacation, by entering a request for such judgment upon the docket or appearance docket, to be made final at the next term or set aside at the discretion of the judge and pleas filed upon such terms as he may prescribe. All appeal cases are returnable to the present term unless the appeal is taken in vacation then to the next term; and appeal cases stand for trial in this court at once, subject to the regulations prescribed in this section, any provision of an appeal bond to the contrary notwithstanding. The clerk must notify the appellee at once of the filing of the papers in this court. 32. In all cases of conviction in this court, the party convicted shall be sentenced to hard labor for the county, where the sentence is for two years or less, except when the county has no hard labor contract, or its contract does not include the class or sex to which the party to be sentenced belongs; and in cases of felony no additional sentence for costs shall be imposed, but the costs of conviction shall be first paid out of the hire of the convict, and the balance placed in the county treasury to the credit of the general fund. In cases of misdemeanor, however, an additional sentence for costs may be imposed, as provided in Section 5426 of the Code; any balance of the funds arising from such sentence for

Convictions;
sentence, costs
etc., etc.

costs, above the costs, to be placed in such treasury to the credit of the general fund. All funds arising from the hire of convicts, upon convictions in this court, except funds arising from that portion of the sentence which is for the fine, over and above the amount necessary to pay the costs of conviction, shall be paid into the county treasury, to the credit of the general fund. Nothing in this section is meant to interfere with imprisonment in the county jail, in cases where it is authorized by law, and a jail sentence is deemed proper.

Approved July 31, 1907.

No. 501.)

AN ACT

(H. 925.

To provide for the working of the public roads of Hale county, Alabama, for levying a tax for same and how same shall be expended.

Special tax
authorized.

Section 1. Be it enacted by the legislature of Alabama that the court of county commissioners, of Hale county be and the same is hereby authorized, empowered and directed to levy at its regular meeting in February, 1908, and at its regular meeting in February of each year thereafter, a special tax of not less than one nor more than two and a half dollars on each one thousand dollars of taxable property in said county, which said tax together with the taxes to be levied for the use of the county for general purposes, shall not exceed one-half of one per cent. Said tax shall be collected as other taxes in said county. Said tax shall be kept separate and apart from other taxes in said county and shall be known as the public road fund of said county and shall be used in working the public roads of said county as hereinafter provided.

Tax collector,
duty as to.

Section 2. That the tax collector of said county shall collect said road tax in the same manner as the other taxes for said county. He shall keep

said road tax collected by him separate from all other taxes collected by him, and shall pay over to the treasurer of said county the said road tax collected. It shall be the duty of the treasurer of said county to keep the taxes paid over to him separate and apart from all other taxes. The said tax collected for public roads shall be used exclusively upon and in working the public roads of said county. As soon as said road tax is collected and paid to the treasurer of said county, it shall be the duty of said treasurer to report to the commissioners court of said county the amount of money collected and in his hands to the credit of the road fund, which money shall be under the direct control and supervision of the commissioners court of said county, and be used on the public roads of said county. The said commissioners court shall divide and distribute said road funds to and between the several road precincts in said county in a fair and equitable manner, and shall notify the road apportioners, road superintendents and the county treasurer of the amount distributed or allotted to each road precinct; it shall be the duty of the county treasurer to keep the amount distributed or allotted to each road precinct separate and apart and for the benefit and use of the respective road precincts. It shall be the duty of said road apportioners, or road superintendent to expend the amount of money, or so much as may be necessary, standing to the credit of the respective road precincts upon and in working the public roads in said road precinct in such manner and in such way as will be to the best interest of said public roads in said road precinct; said road apportioners or road superintendent shall keep an accurate and itemized account of all the expenditures made on said public roads and shall file on the first day of April, July, October and January of each year, and oftener if necessary, with the court of county commissioners of said county, an itemized account of all expenditures, and receipt or voucher for each item thereof. And

Duty of county treasurer.

Road funds, how divided, and expended, etc.

thereupon the probate judge shall issue his warrant on said treasurer for the amount of said expenditures on said roads, and said treasurer shall pay the same out of the money standing to the credit of said road precinct. The treasurer of said county shall keep said money to the credit of the respective road precincts.

Persons liable
and days
worked.

Section 3. That all persons now required by law to work the public roads of said county shall work on said roads ten days, but any person liable to work said roads, may in lieu of working said roads as required by law, pay the commutation tax hereinafter prescribed to the apportioner of his road precinct, designated to receive the same and who shall give him a receipt for the same, which shall exempt the said person so paying the same from road duty for the year in which he paid the same. All commutation taxes paid to the said apportioner shall be used on the road from which said tax was collected.

May pay in
lieu of work.

Commutation
fees, where
used.

Road over-
seers to keep
list of per-
sons liable, etc.

Section 3 1-2. That the road overseers shall keep in a book to be kept for the purpose, and furnished by the commissioners court, a list of all persons liable to road duty on his road, and the day or days on which each person works on said road, stating whether an entire day or fraction thereof.

Amount of
commutation
tax, how fixed.

Section 4. That the commissioners court, shall by an order entered on their minutes at the February term, 1908, and each year thereafter, prescribe the amount of the commutation tax hereinbefore mentioned, and shall fix such amount as will enable the apportioner or other authorized person to employ, a substitute for each person paying said commutation tax for the days, provided such amount shall not be less than five nor more than ten dollars.

Overseers and
apportion-
ers, duties,
etc., etc.

Section 5. That the overseers and apportioners of the public roads in said county shall be appointed, and they shall perform the same duties as are now required by law, provided that the court of county commissioners shall designate one of the apportioners in each beat who

shall collect or receive the commutation tax as hereinbefore provided. Said apportioners so designated shall give bond with good security in such an amount as said court may require, said bond to be made payable to said county. The court of county commissioners shall furnish said apportioners so designated, a sufficient number of stub receipts, bound and numbered consecutively, wherewith such apportioner shall receipt for all commutation taxes paid to him, and he shall keep in a book provided for that purpose an itemized account of all of said money disbursed by him; said commutation tax collected by him shall be expended, as above stated, on the road from which it was collected, by and under the direction of all the apportioners in said precinct, or road superintendent, and shall file with said commissioners court an itemized account showing how they expended said commutation tax. Said commissioners court shall charge said apportioners designated to collect and receive said commutation tax with all stub receipts received by him as the amount of the commutation tax at the amount of the commutation tax as by it prescribed, and on settlement by said apportioner with said court, he shall be credited with all vouchers for expenditures of said money signed by all the apportioners or road superintendents in his precinct, with all unused or mutilated receipts returned to said court, and with his compensation, which shall be five per cent. on the amount of all commutation tax collected by him.

Section 6. That overseers may be paid not more than one dollar per day for each entire day's services while working on the public roads as provided by law; provided, that no overseer shall be paid more than ten dollars during any year. Said overseer shall be paid by the apportioner of his precinct or by the road superintendent by an order on the probate judge of said county, stating the name of the overseer and for what said order was given. The probate judge shall

draw his warrant on the treasurer of said county, and in favor of said overseer stating to what road precinct it is to be charged, and said treasurer shall pay the same and charge same to the fund belonging to said road precinct.

Superintendent of roads, appointment of salary, etc.

Section 7. That the court of county commissioners of said county, at its regular meeting in August, 1907, and every two years thereafter, shall appoint a competent person as superintendent of public roads and bridges at a salary not to exceed nine hundred dollars a year to be paid monthly out of the general fund of the county, by the warrant of the probate judge on the treasurer of said county. The court of county commissioners shall prescribe and fix the salary of said superintendent, shall prescribe his duties and shall provide that the overseers of the public roads shall work the roads under his orders and directions and may provide that the road funds shall be expended by his authority and under his direction, and shall make a record of his duties by entering same on its minutes; and may change or alter or amend the said duties or may prescribe additional duties. Said superintendent shall devote his entire time to the duties and work prescribed for him by said court of county commissioners relating to the public roads and bridges of said county.

No. of days worked.

Section 8. That every person liable to road duty in Hale county shall work on the public roads with such tools as the overseer may direct for ten days unless he has paid the commutation tax prescribed herein. Any person who fails or refuses to work the roads as required by law, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars, and may be sentenced to hard labor for the county for not less than three nor more than six months.

Penalty for failure.

Overseers to keep record of commutation tax receipts.

Section 9. That each overseer of public roads in said county shall keep a record of all commutation tax receipts presented to him by any person liable to road duty in lieu of his work on said

roads. He shall take a copy of said receipts and forthwith file the same with the probate judge of said county to be kept and used in the settlement of said apportioners with the commissioners court.

Section 10. That this act shall take effect immediately upon its passage.

Approved August 7, 1907.

No. 503.)

AN ACT

(S. 420.

To further regulate the working of the public roads of Bibb county, Alabama. To further provide and regulate the building and repairing of bridges along said public roads, to further provide for and regulate the maintenance and up-keep of said public roads and bridges, to further regulate the public road affairs of said county and to provide punishment for the violations of this act. Be it enacted by the legislature of Alabama:

Section 1. All male inhabitants of Bibb county, Alabama, between the ages of eighteen and forty-five years, not exempt from road duty under the general laws of Alabama, shall be required to work upon the public roads of said county five days in each year or in lieu thereof shall pay three dollars on or before the first day of March in each year and if such sum is not paid by said date an additional fifty cents must be paid, all of which shall accrue to the road fund of said county; all money collected under the foregoing provisions shall be paid to the county treasurer of said county and be credited by him to the respective road district in which same is collected, and it shall be the duty of every person subject to said road tax to pay same to the supervisor of the district in which he resides. Provided, that any person re-

Persons liable.
Days worked.
Commutation fee, how paid, etc.

Persons ex-
empt.

siding in any city or incorporated town in said county who has paid the amount of three dollars as street tax or has worked five days in the discharge of his street duty shall be exempt from the payment of the above tax for the year in which he has paid said street tax or performed said street duty. All money collected or paid over to the county treasurer of said county for road purposes shall be kept separate from all other money of said county.

Road money
kept separate.

Special tax
levied an-
nually.

Section 2. The court of county commissioners of said county shall annually levy a special tax not to exceed two twentieths of one per cent. upon the taxable property of said county which shall be a part of the amount authorized by the constitution to be levied for county purposes, to be assessed and collected as other taxes are assessed and collected and which shall be paid over to the county treasurer monthly by the tax collector of said county, when paid over to said county treasurer shall be kept by him separate and apart from all other funds in his hands and shall be used only for the purposes indicated in this act.

Road tax re-
ceipts; how
prepaid, etc.

Section 3. The probate judge of said county shall on or before the 10th day of January in each year prepare or cause to be prepared official road per capita tax receipts duly countersigned by him in books containing one hundred receipts each with a stub attached to each receipt which said stub shall show the date and the person to whom each receipt is issued and the said stub and corresponding receipts shall each show the road district from which same is issued, and said receipt books shall be furnished by said probate judge to the road supervisors for the respective districts thereafter provided for and said probate judge shall require of said supervisors duplicate receipts for said books of road tax receipts one of which duplicate receipts he shall immediately deliver to the county treasurer of said county for his use in making partial settlements with said supervisors and the other duplicate

receipt he shall keep on file in his office. All of said road per capita tax receipts shall be numbered consecutively.

Section 4. It shall be the duty of the road supervisors hereinafter provided for to collect and pay over to the county treasurer of said county the per capita road taxes due in their respective districts without compensation other than his salary. He shall between the first days of January and March of each year make appointments at not less than two public places in each beat in his respective district at which times and places he shall be present to receive and receipt for said road per capita tax; He shall give notice of such appointments by posting notices written or printed or partly written and partly printed at not less than four public places in each beat ten days before the dates on which he will be present in said beat for the purpose of collecting said per capita tax and he shall remain at each of the said appointments from nine o'clock A. M. until four o'clock P. M. of the said days.

Section 5. The road supervisors hereinafter provided for shall receipt for said per capita tax on receipts furnished to them for that purpose by the probate judge of said county. Each supervisor shall at all times carry with him a per capita tax receipt book for the convenience of persons who may wish to pay their per capita tax. The supervisors shall make monthly settlements on the first day of each month with the county treasurer for all road per capita taxes collected by them and their assistants during the preceding month. The supervisors shall make their final settlement with said county treasurer at the time of the last regular meeting of the court of county commissioners each year, at which time the supervisors shall each also make a written report to the court of county commissioners stating the number of per capita tax receipts he received from the probate judge of said county, the number of receipts issued by him in the discharge of his official duties during the cur-

Road supervisors to collect tax, etc.

Road supervisors to give receipts for taxes.

Monthly settlements.

Final settlements.

rent year, the names of those who have paid their road tax to him, and he shall also be required to make any and all other statements and reports relative to his official acts he may be directed to make by the said court of county commissioners, and if he fails to turn in any of said receipts which he does not account for in his report and which were not collected by him and paid to the county treasurer, the court of county commissioners shall charge him with same, and shall deduct same from his salary.

Road super-
visors; how
appointed, etc.

Section 6. There shall be appointed by the Governor of Alabama within thirty days after the passage and approval of this act two road supervisors for Bibb county Alabama, and one of the said supervisors shall be appointed for what shall be known as the western road district and comprising that part of said county which lies west of the Cahaba River, and one of said road supervisors for what shall be known as the eastern road district and comprising that part of said county which lies east of said Cahaba River. In the event of the death, resignation or removal from office of either of the road supervisors for Bibb county Alabama, the governor shall make an appointment to fill the vacancy or any vacancy in said offices. The supervisors appointed by the governor shall hold office until the general election in November 1910, and until their successors are elected and qualified.

Vacancy; how
filled.

Term.

Election of
supervisor for
eastern dis-
trict.

Term of of-
fice.

Election of
for western
district.

Section 7. At the general election in November 1910, and every four years thereafter the qualified voters of the eastern road district comprising that part of said county east of the Cahaba River shall elect a road supervisor for said district whose term of office shall be four years and until his successor is elected and qualified.

Section 8. At the general election in 1910, and every four years thereafter, the qualified voters of the western road district comprising that part of said county west of the Cahaba River shall elect a road supervisor for said district

Term of office. whose term of office shall be four years and un-

til his successor is elected and qualified. Each road supervisor appointed or elected under this act shall before entering on the duties of his office enter into bond in the sum of five thousand dollars payable to the court of county commissioners for the use of said county and conditioned for the faithful performance of their duties and for the accounting to and paying over as required by law of all road funds coming into their hands. Said bond with good and sufficient securities shall be approved by the judge of probate of said county and shall be filed and recorded as other bonds of county officers. Before entering into the duties of his office each of said supervisors shall take and subscribe to the same oath of office as required by law of other county officers.

Section 9. The salary or compensation of each of said supervisors shall be seventy-five dollars per month for the time the supervisors are actually engaged, in person and not by substitute, in the performance or discharge of their duties as such supervisors. Said salary shall be paid monthly by the warrant of the judge of probate on the county treasurer of said county. It shall be the duty of the county treasurer of said county to set aside each year the sum of eighteen hundred dollars or so much thereof as may be necessary for the payment of said salaries out of the special road tax levied for said county and collected, and paid over to him by the tax collector of said county.

Section 10. After deducting the amounts set aside for the payment of the salaries of said supervisors, the remainder of the special road tax and the monies paid to the treasurer of said county to the credit of the road fund of said county as its share of the profits of the dispensaries operated in said county and all other funds paid to the county treasurer of said county to the credit of the road fund, except the per capita tax, shall be divided between the eastern and western road districts of said county in the following

Duties of supervisors.

proportion, viz: Three fifths to the western road district and two fifths to the eastern road district.

Section 12. The said supervisors shall give personal attention to the working and caring for the public roads and wooden bridges of their respective districts and shall be personally in charge of the working or repairing of the said roads and bridges whether worked with the road machine or otherwise, and they shall devote other entire time to the duties of the office as provided in this act. The supervisors may issue warrants on the road funds to the credit of their respective districts for work and labor done and material furnished for said roads or bridges and in no case shall the amount so paid be more than a fair and reasonable value for said work or material and the commissioners court shall charge the supervisors with any and all amounts he may pay or cause to be paid over and above what would be a fair and reasonable value for any material furnished or labor done in their respective districts. They shall also keep a full and complete record of all payments so made by them, which record shall show the name of the person to whom paid, the amount, the date the work was done or material furnished. Warrants when issued by the supervisors as herein prescribed shall be paid by the county treasurer of said county on presentation when the funds are on hand to the credit of the district against which they are drawn, and at each regular term of the commissioners court the warrants issued by the supervisors and paid to that date shall be delivered to the commissioners court for their inspection and to be audited by the said court while in session and after said court has completed the inspection and auditing of the said warrants they shall be returned to the said treasurer by the judge of probate of said county. A receipt shall be given the treasurer for said warrants when they are delivered to the commissioners court and this receipt shall be delivered to

the said probate judge when the warrants are returned to the treasurer. All receipts and warrants issued by each of said supervisors shall show on their face that they are for their respective road districts and the county treasurer shall keep separate accounts with each of said supervisors and with the funds set aside for their respective districts.

Section 13. The supervisors shall each make Reports of. and file with the court of county commissioners on the first days of March, June, September and December of each year a full and complete written report and under oath of all his transactions as supervisor for the preceding three months, and the said report shall show the amount of money expended, to whom and for what paid, the number of miles of road worked and their condition, the kind and character of work done on said roads, and he shall also give any other information regarding the roads, road funds or other matters pertaining to his road district which the said commissioners court may require of him. The said supervisor shall attend the next succeeding session of said court after his said report is made and the same shall be considered and examined in detail by said court in open session. The said reports shall also be furnished to the grand juries of said county by the probate judge of said county for their examination at the next succeeding term after said reports are made. The supervisors while attending the said court of county commissioners shall advise and confer with the several commissioners regarding the conditions of the roads in their respective districts and the necessary repairs or work to be done, and the said county commissioners shall give to the supervisors such information as they may be in possession of that would be of interest to the supervisors in the discharge of their duties.

Section 14. Either of said supervisors shall Removal of. be removed from office by the said court of county commissioners at any time if in their opinion

he is negligent in the discharge of his duties as such supervisor or is corrupt or fails to give proper attention to his official duties, and in that event the probate judge of Bibb county shall immediately certify to the governor the vacancy and thereupon the governor shall appoint a suitable person to fill the place so made vacant by said removal.

Sign boards placed.

Roads measured.

Prosecutions instituted by.

Persons obstructing road to remove same.

Penalty for fraudulent issue or use of road receipt.

Penalty for issue of receipt by supervisor.

Acts unlawful.

Section 15. The supervisors in their respective districts shall place or cause to be placed suitable and plainly lettered sign boards at crossings of roads in their respective districts, shall measure or cause to be measured all public roads in their respective districts and they shall each prevent and remove all unnecessary obstructions of the public roads, and they shall each institute prosecution against any person who obstructs the public roads with a fence or otherwise in their respective districts. Any person occupying any part of any public road of said county with a fence or obstructing the said roads in any way shall remove such fence or other obstruction immediately after the passage of this act.

Section 16. Any person who issues or uses any road receipt for per capita tax not official or not properly countersigned, or any person using or issuing any per capita tax road receipt for some year other than the year for which it was intended, or any person issuing a per capita tax road receipt when the amount due for same has not been properly paid shall be guilty of a misdemeanor and shall be fined not less than one or more than ten dollars.

Section 17. Any supervisor who issues or causes to be issued a per capita road tax receipt in payment for or in part payment for work done on the public roads of said county or for material furnished for said roads or bridges shall be guilty of a misdemeanor and on conviction shall be fined not less than one nor more than fifty dollars.

Section 18. It shall be unlawful for any person to drive or ride faster than a walk upon or across any street or iron bridge in said county.

or to remove, deface or destroy any mile board or sign board on the public roads of said county, or to place or erect or cause to be erected or placed any telegraph or telephone pole or post at any point on said public road which may interfere with the proper working of same, or for any person owning, operating, controlling or managing any telegraph or telephone line to allow any telegraph or telephone wire or wires to hang across the public road of said county at a height of less than twelve feet above the public road, and any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than one dollar nor more than twenty-five dollars. Penalty for violation.

Section 19. In the prosecution of any road defaulter or of any person for any offense touching the public roads of said county or for any offense in violation of this act or any section thereof it shall not be necessary to prove by the records that any road in the county is a public road, but that proof may be made by oral testimony. In prosecutions; road proven public by oral testimony.

Section 20. The court of county commissioners for Bibb county may, at its discretion, employ the convicts of said county in working the public roads and bridges thereof under such rules and regulations as they may adopt. County convicts may be worked.

Section 21. Any person having been warned to work any of the public roads of Bibb county, Alabama, who fails or refuses to do so after having been warned may within five days render their excuse to the road supervisor and such excuse may be accepted by him if legal, but if no excuse is offered or if offered is not accepted it shall be the duty of the said road supervisors of the respective districts to immediately institute criminal proceedings against the party or parties failing or refusing to work and they shall be proceeded against as road defaulters. Excuse for failure to work after being warned.

Section 22. The county court of Bibb county, Alabama, shall have exclusive jurisdiction of all prosecutions arising under this act. Court having jurisdiction.

Warning of
hands, etc.

Section 23. The supervisors, in their respective districts or their assistants shall warn all hands subject to road duty on the roads, giving them two days notice of the time and place to meet on the road, by written notice served upon the person, or left at his place of residence, and such hands shall bring such tools as the supervisor or his assistant may designate; and any person so warned who fails or refuses to work without legal excuse shall be proceeded against as a road defaulter before the county court of Bibb county Alabama, and said defaulter shall be punished as provided by the general laws of the State of Alabama; provided further, that any supervisor who fails, or refuses to return such defaulter or to institute proceedings he shall be fined not more than twenty-five dollars, one fourth of said fine to go to the supervisor and the balance to the road fund of said county.

List of em-
ployers furn-
ished by firms,
etc.

Section 24. It is hereby made the duty of every person, firm, association, or corporation employing more than three men in said county, to furnish on the application of the supervisors or either of them or their assistants the name of every man in their employment, and to specify if known to them the place or residence of every such employed man, and upon their failing or refusing to do so they shall be guilty of a misdemeanor and on conviction shall be fined not more than twenty-five dollars for every man in their employment whose name was not furnished to said supervisor or assistant of said supervisor.

Penalty for
failure.

Hours worked
a day.

Section 25. Nine hours shall be a days work under this act.

Special tax
levied an-
nually.

Section 26. The commissioners court of Bibb county Alabama, shall levy annually the special tax provided for herein.

Effect.

Section 27. The provisions of this act, except as to the appointment of the road supervisors, and fixing of their salaries shall not take effect until January 1st, 1908: The supervisors shall be appointed and their salaries fixed as above prescribed.

Section 28. All written notices of warning to work on the public roads of Bibb county, Alabama, shall be signed by the supervisors of the respective districts but same may be served by any person appointed to do so by the supervisor of the district in which the warning is to be given. Notices of warning, signing and serving of.

Section 29. The supervisor of either of the said districts may in his judgment and discretion appoint an assistant or assistants when conditions are such that it would be economy to the county road funds to do so, but the said assistant or assistants shall not receive more than two dollars per day, to be allowed by the court of county commissioners of said county, for the time he is engaged in actual service in working or superintending the working of the public roads of said county. No assistant supervisor shall be appointed and no compensation shall be allowed to him by the court of county commissioners except during a period of time when it is not practical for the supervisor to discharge the duties of his office without an assistant or assistants. Assistants to supervisors. Salary, etc.

Section 30. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal.

Section 31. The court of county commissioners of said county are hereby authorized to fix and prescribe a license for each and every engine or vehicle or other contrivance of like kind or description weighing more than four thousand pounds which makes use of the public roads of said county, said license to be paid monthly by the person owning or operating said engine or vehicle to the road supervisor of the district in which same makes use of said roads of said county. Said county shall have a lien on said engine or vehicle for the amount of said license which shall be superior to all other liens except for taxes and said lien may be enforced and satisfied by appropriate proceedings in the chancery court held for said county or may License on engines, etc., of certain weights. Lien of county.

Penalty for unauthorized person changing bridge.

be enforced and collected as material man's liens are enforced and collected.

Section 32. It shall be a misdemeanor for any unauthorized person to change or alter the width or otherwise alter or change any bridge on the public roads of said county and on conviction therefor shall be fined not more than five hundred dollars.

License on wagons, drays, etc.

Section 33. The court of county commissioners of said county are hereby authorized to fix and prescribe a license for each wagon, dray or other vehicle which is drawn or used on the public roads of said county when said wagon, dray or other vehicle is used in hauling or carrying a load or weight of more than four thousand pounds and said license may be imposed for the right to use any particular portion of the public roads of said county. Said license shall be payable monthly and shall be collected by the road supervisors of said county and shall be a first lien except for the taxes on any such wagon or vehicle as is named above. Said lien may be enforced by appropriate proceedings in the chancery court of said county by said supervisor of the respective districts for the benefit and to the use of said county, and all licenses collected under the provisions of this act shall be paid into the road funds of said county for the benefit of the district in which they may accrue and the said licenses may also be enforced and collected as prescribed by law for the enforcement of a material man's lien.

Lien of county.

Jurisdiction of commissioners court as to repair, etc., of bridges.

Section 34. The court of county commissioners of Bibb county shall have charge of and jurisdiction of the repair or building of all bridges in said county where the cost of building or repairing amounts to more than twenty-five dollars, and payment for such building and repairing of bridges where the amount of the cost exceeds twenty-five dollars shall be paid out of the general fund of said county.

Approved August 1st, 1907.

No. 504.)

AN ACT

(S. 575.)

To ratify and confirm the acts and contracts of the court of county commissioners of Wilcox county, or other authorized agents of said county, borrowing money for the use and benefit of said county and to ratify and confirm the warrants given for money so borrowed, and for the interest thereon, and for warrants heretofore issued for said purpose.

Section 1. Be it enacted by the Legislature of Alabama, That the acts, doings and proceedings of the court of county commissioners of Wilcox county in issuing warrants for the year 1901, for \$11.37, and for the year 1902 for \$99.45 and for the year 1903 for \$303.74 and for the year 1904 for \$99.22 and for the year 1905 for \$369.58 and for the year 1906 for \$298.06, a total of \$1,221.71, which was for interest on money borrowed for the use and benefit of said county, be and the same is hereby ratified and confirmed, and the action of said court of county commissioners in issuing said warrants, and the authorized agent of said county in paying the same is hereby legalized and validated and confirmed.

Approved August 2nd, 1907.

No. 505.)

AN ACT

(S. 574½.)

To ratify and confirm and legalize all warrants heretofore issued by the court of county commissioners of Wilcox county for the use and benefit of the underwriters of the Camden branch of the Louisville & Nashville railroad.

Section 1. Be it enacted by the Legislature of Alabama, That the acts, doings, and proceedings made by the court of county commissioners of

Wilcox county in issuing warrants on December 31st, 1902, on January 4th, 1904, January 2nd, 1905, each for six hundred dollars, to the board of underwriters of the Camden branch of the Louisville and Nashville railroad for the relief of their subscriptions, for the construction of said branch of said railroad is hereby legalized and the payment thereof of said warrants by the county treasurer of said county is hereby legalized and validated, and confirmed.

Approved August 4th, 1907.

No. 506.)

AN ACT

(No. 560.

To provide for the appointment by the judges of the city court of Birmingham, of the necessary bailiffs for said court and to fix the duties, powers, liabilities and compensation of said bailiffs and to provide for the payment of their compensation.

Judges to appoint bailiffs.

Number of.

Compensation.

Appointment and removal of.

Section 1. Be it enacted by the Legislature of Alabama, That the judges of the city court of Birmingham be and they hereby are authorized, empowered and required to appoint the necessary bailiffs for said court not more than six in number, who shall attend the sessions of said court constantly while said court is in session and shall do and perform such duties connected with said court as may be directed by the judges thereof and whose compensation shall be \$60.00 per month for each month they are in constant and actual attendance upon the sessions of said court and which shall be paid by the county treasurer of Jefferson county out of any funds in the treasury of said county not otherwise appropriated on the first day of each month upon the certificate of the clerk of said court that said bailiffs have for the month past been in actual and constant attendance and service upon the sessions of said court. Each bailiff shall be appointed

for not more than one term of said court, and shall be subject to removal at any time by the judges thereof.

Section 2. Said bailiffs shall have, while in attendance on said court and executing the orders and directions of the judges of said court all the power and authority now possessed and exercised by deputy sheriffs when attending said court and executing the orders of said judges and shall be accountable on the bonds hereinafter required to be given by them in the same manner as the sheriffs are accountable for the acts and omissions of deputy sheriffs attending said court.

Section 3. Each of said bailiffs before entering upon the duties of his office must take the oaths of office required by the constitution and laws of Alabama for executive officers and must each give bond with surety in an amount to be fixed by the judges of said court payable and conditioned as prescribed in section 3070 of the code of 1896, which bonds must be approved by the judge of probate of Jefferson county and recorded and filed in his office.

Section 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 6, 1907.

No. 507.)

AN ACT

(S. 526.

To regulate the fine and forfeiture fund of Montgomery county, and provide for the registration and payment of claims against said fund.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be the duty of the board of revenue of Montgomery county, within ten days after the passage of this act, to give notice by advertisement in some newspaper published in the city of Montgomery, and by posting notice

Time of registration.

Barred for failure to.

Fine and forfeiture fund; what constitutes.

Claims presented to be recorded.

Duty of board as to amounts paid out of general fund for solicitor's salary, etc., etc.

Remainder; how applied.

Advertisement for bids.

at the court house door of said county for thirty days, notifying all persons holding claims, whether registered or unregistered, against the fine and forfeiture fund of said county, to register the same with the clerk of the board of revenue on or before the 1st Monday in October, 1907, and if not so registered, said claims shall be forever barred.

Section 2. All fines and forfeitures collected, the hire of county convicts, all moneys received from the State, or collected by the clerks of the city and county courts or other officer, on account of witness fees and solicitor's fees shall be paid into and constitute the fine and forfeiture fund of said county.

Section 3. It shall be the duty of the clerk of said board to record in a well bound book, all claims presented for registration, showing in each case the name of the owner of such claim; the date and amount of same. Such book shall be a public record and shall be preserved by the board of revenue of said county.

Section 4. It shall be the duty of the board of revenue of said county on the first Monday in February, second Monday in July, and the first Monday in October of each year to ascertain the total amount paid out of the general fund of said county after the passage of this act, on account of witness fees, officer's fees and the salary of the solicitor and assistant solicitor's up to said date, and order a warrant drawn on the fine and forfeiture fund for the amount so paid out, and the clerk of said board shall place same to the credit of the general fund of said county. The surplus remaining in the fine and forfeiture fund shall be applied to the payment of registered claims against said fund.

Section 5. That it shall be the duty of the board of revenue of said county on the first Monday in April, September, and December of each year, if there are funds in said fine and forfeiture fund to advertise for three weeks previously, at the court house of said county, notifying all per-

sons holding registered claims against said fund, that bids will be received until and on such Monday until 12 o'clock for the same, and shall state in said advertisement the amount of the fund on hand, as provided by section four of this act, and the amount of registered claims against the fund outstanding and unpaid. The money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount, and should there be two or more bidders at the same rate of discount, and the funds be insufficient to pay all of them, the money shall be awarded to such claims in the order of their registration, beginning with the oldest. When the biddings are closed, and the money awarded, the clerk of said board of revenue shall issue warrants upon said fund to the persons entitled thereto, upon receipt and surrender of their claims, or a proper voucher if the claim is not paid in full.

Section 6. That after the passage of this act, ^{Fines, etc.,} all fines, forfeitures, hire of convict labor, or ^{paid only in} anything pertaining to said fine and forfeiture fund shall be paid only in lawful currency of the United States and in nothing else, and all moneys which accrue to said fund in said county, and which may be collected by any sheriff, clerk, judge of probate, justice of the peace, notary public, constable, coroner, or other officer, shall be paid to the county treasurer, and any officer who collects any such moneys and wilfully fails for more than thirty days to pay the same to the county treasurer, shall be guilty of a misdemeanor.

Section 7. The board of revenue of said county is hereby empowered and authorized to com- ^{Power to com-} promise and settle any and all registered claims ^{promise} against said fine and forfeiture fund, when in ^{claims.} their judgment it is to the best interest of the county to do so.

Section 8. After all claims registered under ^{All claims} the provisions of this act are paid in full, com- ^{paid; fund} promised or settled, the fine and forfeiture fund ^{abolished.}

Repeal.

of said county shall be abolished and merged into the general fund.

Section 9. That all laws or parts of laws, general, special or local in conflict with the provisions of this act, be and the same are hereby repealed.

Approved August 6, 1907.

No. 508.)

AN ACT

(S. 491.)

To vacate and annul the dedication of the following highways, and parts of highways, situated in Birmingham, Jefferson county, Alabama, to-wit: All of Morris street from its beginning at eighth street to its end abutting the property heretofore known as the Owen property. All of eighth street from First Avenue, north, to the right-of-way of the Alabama Great Southern Railroad Company. All of Minnie street from First Avenue, north, to the end thereof abutting the property of the Tennessee Coal, Iron and Railroad Company.

Certain highways vacated and annulled.

Be it enacted by the Legislature of Alabama, That the dedication of the following highways and parts of highways, situated in Birmingham, Jefferson county, Alabama, be and the same are hereby vacated and annulled; said highways and parts of highways being described as follows: All of Morris street from its beginning at Eighth street to its end abutting the property heretofore known as the Owen property. All of Eighth street from First Avenue, north, to the right-of-way of the Alabama Great Southern Railroad Company. All of Minnie street from First Avenue, north, to the end thereof abutting the property of the Tennessee, Coal & Railway Company.

Approved August 2, 1907.

No. 509.)

AN ACT

(S. 490.)

To vacate and annul the dedication of the following highways and parts of highways, situated in Jefferson county, Alabama, to-wit: All that part of the alleys lying and running through blocks 83, 122, 126 and 168, lying within one hundred feet of Fourteenth street and the continuation thereof, the said blocks being described according to the survey, map and plan of the city of Bessemer, by the Bessemer Land and Improvement Company and situated in Bessemer, Jefferson county, Alabama. Also all that part of the alley in block B of Halls addition to Bessemer, map of the plan and survey of which is recorded in the office of the judge of probate of Jefferson county, Alabama, in map book three at page twenty-three, which lies within two hundred feet of the continuation of Fourteenth street along the northwest boundary of said block, and situated in Jefferson county, Alabama: Also all that part of Exeter Avenue lying within one hundred feet of Fourteenth street in the city of Bessemer, Jefferson county, Alabama: Also all that part of Seventeenth street lying between First Avenue and Alabama Avenue in the city of Bessemer, Jefferson county, Alabama: And also all the alleys lying within and running through blocks two hundred and one and two hundred and two in the city of Bessemer, Jefferson county, Alabama.

Be it enacted by the Legislature of Alabama, That the dedication of the following highways and parts of highways, situated in Jefferson county, Alabama, be and the same are hereby vacated and annulled; said highways and parts of highways being described as follows: All that part of the alleys lying in and running through blocks eighty-three, one hundred twenty-two, one

Certain highways vacated and annulled.

hundred twenty-six and one hundred sixty-eight lying within one hundred feet of Fourteenth street and the continuation thereof, the said blocks being described according to the survey, map and plan of the city of Bessemer by Bessemer Land & Improvement Company, and situated in Bessemer, Jefferson county, Alabama: Also all that part of the alley in block "B" of Hall's addition to Bessemer, map of the plan. Also all that part of the alley in block "B" of the judge of probate of Jefferson county, Alabama, in map book three at page twenty-three, which lies within two hundred feet of the continuation of Fourteenth street along the northwest boundary, of said block, and situated in Jefferson county, Alabama: Also all that part of Exeter Avenue lying within one hundred feet of Fourteenth street in the city of Bessemer, Jefferson county, Alabama; Also all that part of Seventeenth street lying between First Avenue and Alabama Avenue in the city of Bessemer, Jefferson county, Alabama: and also all the alleys lying within and running through blocks two hundred and one and two hundred and two in the city of Bessemer, Jefferson county, Alabama.

Approved July 31, 1907.

No. 510.)

AN ACT

(S. 450.

To refund to Selma mortgage tax paid by it on the deed of trust to Chicago Title & Trust Co. to secure the Selma Waterworks Bonds. Be it enacted by the Legislature of Alabama.

Amount re-
funded by
State.

Sec. 1. That the auditor is hereby authorized and required to draw his warrant for the sum of one hundred forty two dollars and fifty cents (\$142.50) payable to Selma being the mortgage tax paid by Selma to the probate judge of Dallas county and by him paid into the State treasury,

for the recording of a deed of trust of Selma to Chicago Title & Trust Company, given for the security of the Selma Waterworks Bonds.

Sec. 2. That the court of county revenues of Amount re-
Dallas county, is hereby authorized and required funded by
to pay to said Selma, the sum of seventy-one dol- county.
lars and twenty-five cents (&71.25) being its por-
tion of the mortgage tax paid by Selma on said
deed of trust.

Approved August 2nd, 1907.

No. 511.) AN ACT (S. 413.

To prevent the sale, barter, exchange and giving away of spirituous, vinous or malt liquors, or intoxicating beverages of any kind, within two (2) miles of any church or house used for religious worship in the town of Sanford, in Covington county, Alabama, and to provide punishment for violations of this Act.

Section 1. Be it enacted by the Legislature Sale, etc.,
of Alabama, That from and after the passage of prohibited.
this act it shall be unlawful for any person, firm or corporation to sell, barter, exchange or give away any spirituous, vinous or malt liquors, or intoxication beverages of any kind, within two (2) miles of any church or house used for religious worship in the town of Sanford, in Covington county, Alabama.

Section 2. That any person, firm or corpora- Penalty for
tion violating any of the provisions of section violation.
one (1) of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars, nor more than five hundred dollars, and may be sentenced to hard labor for the county for not more than six (6) months, one or both.

Section 3. That this act shall go into effect Effect.
immediately upon its passage and approval.

Approved July 31, 1907.

No. 512.)

AN ACT

(S. 478.)

To provide for the election of a harbor master and three deputy harbor masters and to regulate their duties and provide for their compensation.

Harbor and
deputy harbor
masters, elec-
tion, term of
office, etc., of.

Section 1. Be it enacted by the legislature of Alabama, That on the 15th day of March of each even numbered year, or as often as there shall be a vacancy, there shall be elected by the mayor of Mobile, the president of the Mobile chamber of commerce, the president of the Mobile cotton exchange, and the president of the board of underwriters of Mobile, and the president of the board of revenue and road commissioners of Mobile county, a harbor master, and three deputy harbor masters for the port of Mobile, who shall hold office for two years, and until their successors are in like manner elected and qualified each of whom must be a qualified elector in the county of Mobile. Each of such deputy harbor masters shall be a regular licensed pilot or ship master under the laws of the United States; and for the purpose of ascertaining the fitness of applicants for the positions of deputy harbor master, the harbor master in office shall not less than thirty or more than sixty days before the time fixed for such election appoint an examining board consisting of two bar pilots and one ship master, who shall give five days notice by publication, once in a newspaper published in Mobile, of the time and place at which they will examine applicants for the position of deputy harbor master; and who shall at such time and place examine all such applicants, and when such examinations have been concluded, shall certify to the parties hereby vested with the power of electing such deputy harbor masters, the names of the parties so examined, that they deemed competent to fill such positions. Said examiners shall receive five dollars (\$5.00) a day for their services, which expenses together

with the cost of giving notice, shall be borne equally by the parties elected.

Section 2. That the harbor master shall keep an office in the city of Mobile, convenient to the water front, and there make and preserve a full record of the official acts of himself and deputy harbor masters, and a docket of their official fees, showing their amounts and from what vessel, or person collected, and on what account, and at what times, all of which shall be at all times open to public inspection, free of charge, and the harbor master shall keep such office open daily, except Sundays, from seven o'clock a. m. to six o'clock p. m. and remain in his office when not actively engaged elsewhere in the performance of his duties. Provided that in case of his absence from his office he shall conspicuously post a notice at such office stating where he can be found, and communicated with or which of his deputies he has designated to represent him in his absence.

Requirements of harbor master as to office, etc.

Section 3. That no agent or inspector of any insurance company; no person employed by the master, owner or consignee of any vessel for any purpose, in connection with vessels, except as in this article provided; no person who furnishes supplies or material of any description to vessels, and no person who has any interest direct or indirect in the business of auctioneer shall be appointed harbor-master or port-warden. And no person employed, concerned or interested in any business of commerce connected with shipping shall be appointed, or shall exercise the duties of harbor-master, save where a port-warden may temporarily fill such function during the absence of the harbor-master, under the provisions hereinafter made.

Persons not eligible for appointment as harbor master.

Exception.

Section 4. That the powers of the harbor-master and port-warden, except as in this article is otherwise provided are limited to the corporate limits of Mobile, and in and upon that portion of Mobile river lying north of the corporate limits of Mobile and extending northwardly past the mouth of Chickasaw bogue to the place at which

Limits of powers.

Powers and
authority of
harbor mas-
ter.

part of the waters of the Mobile river flows into the Spanish river. But on the request of a master or consignee of a vessel beyond these limits, any of them may survey or inspect such vessel, her hatches, cargo or stowage.

Section 5. That the harbor-master shall on the request of the owner, master or consignee of any vessel arriving within the limits stated in this article, regulate and station such vessel, and may from time to time remove any such as are not employed or immediately about to be employed in receiving or discharging cargo or ballast, if necessary to make room for such other vessels as may require immediate accommodation for receiving or discharging ballast or cargo. He shall not interfere with the selection by the master, owner, agent or consignee of a vessel of a wharf, bulk-head or shore-birth for the discharge or receipt of cargo or ballast where such wharves, bulk-heads or shore-birth so selected are erected within the limits and in the manner of construction fixed by the Mobile river commission, nor station such vessel at other berths than the ones so selected by the master, agent, owner or consignee, unless the person, or authority controlling such selected wharf prohibits its use for such purpose by the vessel. He may require persons in charge of vessels made fast to a wharf or the shore, or lying in the stream to adjust their spars so that they will not interfere with other vessels, or project over a street. He has authority to determine how far and when persons in charge of vessels shall accommodate each other in their station but shall not have authority or power to prohibit vessels from receiving or discharging cargo while lying moored in the Mobile river, if they be so moored as not to unduly interfere with navigation or with each other. But in case no request is made within a reasonable time by the owner, master agent or consignee, the harbor-master shall have authority to locate vessels at proper places. The harbor-master shall allow vessels to load in the stream above One Mile creek, but shall have pow-

er to place such vessels so as to avoid undue interference with navigation and with such others while taking on cargo, lying at anchor. He shall not require vessels taking berths above One Mile creek to occupy or make fast to shore-births against the wish of the officer or master controlling the vessel. It shall be the duty of the harbor-master to cause to be printed from time to time and to keep posted in his office, and in all ship-chandlers' and ship-brokers' offices, in the chamber of commerce and in the cotton exchange, the laws and rules governing him, the deputy harbor-masters and the river and harbor of Mobile. In case of sickness or temporary absence, the harbor-master may appoint by writing in his stead, pro tempore, one of the other wardens, who while so acting shall have all the powers of harbor-master; but no such absence except in case of sickness, shall extend beyond one week at any one time, unless leave therefor be first given him by the officers who are charged with the appointment. Such acting harbor-master shall receive the same compensation as provided for harbor-master during the period he acts for harbor-master.

Section 6. That any person in charge of a vessel who resists or opposes the harbor-master, or acting harbor-master, in the lawful execution of his duties, shall be fined by the recorder of Mobile not exceeding fifty dollars, to be collected, enforced and applied as fines for violations of municipal ordinances of that city.

Section 7. That such deputy harbor-masters, before entering on the duties of their office, shall each give bond in the sum of two thousand dollars for the faithful performance of their duties, to be taken and approved by and filed with the judge of probate for Mobile county, who shall at the same time administer to them an oath to faithfully perform all the duties required of them by law as such deputy harbor-masters.

Section 8. That said deputy harbor-masters shall when not engaged in shifting, mooring or

Penalty for
resisting har-
bor master in
discharge of
duty.

Bond of dep-
uty harbor
masters.

Oath.

Duty of deputy as to shifting, etc., vessels.

unmooring vessels be at the office of the harbor-master from seven o'clock a. m. to six o'clock p. m. for the purpose of attending to the shifting and mooring of vessels and from the time such vessel is anchored by the pilot bringing her up, until she is again taken in charge by pilot to go down the bay or to sea, one of said deputy harbor-masters and no other person shall superintend shifting of said vessel from berth to berth or the mooring of her in any other place than that where she was anchored by the pilot who brought her up. During office hours the deputy harbor-masters shall be under the full control of the harbor-master, and shall not engage in any other occupation save the duties herein prescribed, and when called on to do so by the harbor-master shall moor, unmoor and shift vessels at any reasonable hour before or after said office hours.

Penalty for performance of person not authorized.

Section 9. That it shall be unlawful for any other person to perform the duties herein required of the deputy harbor-masters, and that any other person who shall perform such duties shall be guilty of a misdemeanor; provided, that the captains of vessels shall have the right to shift or moor and unmoor any vessel of which they are in actual command.

Removal of deputy.

Section 10. That for neglect of duty or for any other good cause the said deputy harbor-masters may be removed, suspended or fined by the harbor-master and port-wardens and any vacancy occasioned thus or in any other manner, shall be filled by election as herein before provided.

Vacancy; how filled.

Deputies under control of harbor master.

Section 11. That the deputy harbor-masters shall be under the supervision and full control of the harbor-master. Orders for shifting vessels shall be left with the harbor-master when and where to shift said vessels. When in the performance of their duties, mooring or unmooring vessels, action is necessary and the deputy harbor-masters are not in position to secure an immediate ruling from the harbor-master they shall be empowered to act on their own authority.

Section 12. That if any of the said deputy harbor-masters shall at any time be absent temporarily or shall from sickness or any other cause of any kind be unable to discharge the duties imposed upon him by this act the harbor-master shall have authority to appoint in his place a deputy harbor-master pro tempore, who shall have the same qualifications as are prescribed for deputy harbor-masters by this act, and who shall during the absence or other incapacity of such deputy harbor-master perform all the duties of such position and receive therefor the compensation provided by this act to be paid to the deputy harbor-master or masters whose position he fills, for the period covered by the absence or disability of said deputy harbor-master or masters in whose stead he is acting.

Section 13. That in addition to the fees, salaries and compensation now provided for the harbor-master by law, there shall be a fund created by the imposition of the following fees, to be paid by vessels receiving the service or services of any of the said deputy harbor-masters; that is to say: For mooring or unmooring sailing vessels, or for shifting sailing vessels in Mobile river south of Chikisa Bogue creek, or for mooring or unmooring and for shifting steamers under one thousand tons—\$5.00—for each service performed. For mooring or unmooring or for shifting steamers over one thousand tons in Mobile river, or for shifting sailing vessels to or from Spanish river—\$10.00—for each service performed. Said fees shall be paid to the harbor master on bills properly presented by him. The harbor-master shall keep an itemized record of the amounts so collected and the fund so created, and shall file monthly with the board of port wardens a statement of all monies received through this source. This fund shall constitute a general fund, which shall be divided equally between the harbor-master and the three deputy harbor-masters, after deduction of such amounts as may be necessary

Deputy harbor-master pro tempore.

Fees imposed.

Account of, kept.

Fund, how divided.

Laws repeal-
ed.

to meet office expenses in case the provision made elsewhere by law for office expenses is not sufficient to meet such expenses.

Section 14. That all laws and parts of laws in conflict with the provisions of this act, and all laws providing for the appointment of deputy harbor-masters and the compensation of such deputy harbor-masters, be and the same are hereby repealed. Provided however that this act shall not have effect to repeal any existing laws relating to the control or salary of the harbor-master or port-wardens, or which prescribe duties of said harbor-master not herein provided for.

Effect.

Section 15. Provided that this act shall not become operative or of force until the 15th day of March, 1908, save for the purpose of the appointment of an examining board as provided for in section 1.

Approved July 31, 1907.

No. 514.)

AN ACT

(S. 418.

To fix the compensation to be allowed the sheriff and clerk of the circuit court of Conecuh county, Alabama, for all official duties for the compensation of which no express provision is made by law. Be it enacted by the legislature of Alabama:

Amount of
compensation
of sheriff.

Section 1. That for all official duties for the compensation of which no express provision is made by law, the sheriff of Conecuh county, Alabama, shall be entitled to receive such sum as may be allowed by the court of county commissioners for said county to be paid quarterly out of the county treasury, not exceeding five hundred dollars per annum.

Clerk of cir-
cuit court.

Section 2. That for all official duties for the compensation of which no express provision is made by law, the clerk of the circuit court of Conecuh county, shall be entitled to receive and be

paid such sum as may be allowed by the court of county commissioners, to be paid quarterly out of the county treasury, not exceeding four hundred dollars per annum.

Section 3. That this act shall be effective from ^{Effect.} and after its passage and approval by the governor, and that all laws in conflict with the provisions of this act be and the same are hereby repealed. ^{Repeal.}

Approved July 31, 1907.

No. 515.) AN ACT (S. 414.

To prevent the sale, barter, exchange and giving away of spirituous, vinous or malt liquors, or intoxicating beverages of any kind, within the territory now embraced in election precinct number nine (9) in Covington county, Alabama, except within the present corporate limits of the town of Florala, and to provide punishment for violation of this act.

Section 1. Be it enacted by the legislature of ^{Unlawful to} Alabama, That from and after the passage of ^{sell, etc.,} this act it shall be unlawful to sell, barter, exchange or give away any spirituous, vinous or malt liquors or intoxicating beverages of any kind within the territory now embraced in election precinct number nine (9), in Covington county, Alabama, except within the present corporate limits of the town of Florala.

Section 2. That any person, firm or corporation violating any of the provisions of section one (1) of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, and may be sentenced to hard labor for the county for not more than six (6) months one or both. ^{Penalty for violation.}

Section 3. That this act shall go into effect ^{Effect.} immediately upon its passage and approval.

Approved July 31, 1907.

No. 516.)

AN ACT

(S. 415.

To repeal an act entitled "An act to authorize the commissioners' court of Butler county to order elections for the establishment of districts in which stock shall be prevented from running at large."

Act repealed. Be it enacted by the Legislature of Alabama, That an act entitled "An act to authorize the commissioners' court of Butler county to order elections for the establishments of districts in which stock shall be prevented from running at large," approved Feb. 17, 1893, be and the same is hereby repealed.

Approved July 31, 1907.

No. 517.)

AN ACT

(S. 407.

To vacate the dedication of the following alleys and part of a street in the Elyton Land Company's survey in the city of Birmingham, Alabama. The alley bisecting block 94 and the alley bisecting block 95 and that part of Fifteenth street lying between the north line of First avenue and the south line of Second avenue; and to provide compensation for any property injured thereby. Be it enacted by the legislature of Alabama:

Certain al-
leys vacated
and annulled.

1. That there is hereby vacated, and the dedication annulled of, the following described alleys and part of a street in the Elyton Land Company's survey of the city of Birmingham, Alabama, viz.: The alley bisecting block 94 and the alley bisecting block 95, and that part of Fifteenth street lying between the north line of First avenue and the south line of Second avenue; that from and after the passage of this act, said alleys and said part of said street shall cease to be public thoroughfares.

2. Nothing contained in this act, shall be held Effect of same. or construed as affecting or authorizing the taking, injury or destruction of property without compensation or without due process of law, but any property owner who may sustain any special injury by virtue of any structure erected in or across the portion of said street or alleys vacated hereby, may bring one suit against the person or corporation maintaining such structure and recover all such damages, including future damages, which he may sustain in an appropriate action at law brought in any court of competent jurisdiction.

3. That all laws in conflict herewith, be and Repeal. the same are hereby repealed.

Approved July 31, 1907.

No. 518.)

AN ACT

(H. 1102.)

To amend sections 8 and 10 of an act entitled an act to authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee, in Colbert county to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county, approved February 15, 1907, and to amend said act by adding sections 19 and 20 thereto.

Section 1. Be it enacted by the legislature of Section 8 amended. Alabama, That section 8 of an act entitled an act to authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee in Colbert county to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribu-

Liquors kept
only in sealed
packages.

Broken pack-
ages not kept.

May buy in
bulk and bot-
tle same.

Amount of net
profits used
for public
schools in Tus-
cumbia, Chero-
kee and
Leighton.

For what
used in Shef-
field.

Penalty for
selling to in-
toxicated per-
son.

tion of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county, approved February 15, 1907, be amended so as to read as follows: The dispenser shall have no spirituous, vinous or malt liquors that are not contained in sealed packages and no package which does not contain full measure shall be sold at any dispensary. The dispenser shall not receive or keep any broken packages in his dispensary. If any original package should be broken, the contents shall be bottled and the bottle sealed. Provided, that nothing herein contained shall prevent the dispenser from buying liquors in bulk and bottling the same in the dispensary.

Section 2. That section 10 of said act be amended so as to read as follows: Section 10. Sixty per cent. of the net profits of the dispensaries in the city of Tuscumbia and the towns of Leighton and Cherokee after deducting all expenses of operating the same, shall be applied and appropriated by the board of mayor and aldermen or other legislative body of the city or town where a dispensary is located, for the use of the public schools, the erection of public school houses, the building of sewerage system and the improvement of streets of said city or town. Provided that out of said funds so received by said city or town from said source ample provision shall first be made for the maintenance of the public schools of said city or town, and the remainder of the sum shall be appropriated for the uses hereinabove set forth; but sixty per cent. of the net profits of the dispensary in the city of Sheffield, after deducting the expenses of operating the same, shall be applied and appropriated by the city council of Sheffield or other legislative body of said city of Sheffield for such municipal purposes as such legislative body may determine.

Section 3. Any dispenser, clerk or any other person employed in said dispensary who shall sell spirituous, vinous or malt liquors to any person known by him to be under the influence of intox-

icants shall be guilty of a misdemeanor and on conviction shall be fined not less than five nor more than fifty dollars and may be sentenced to hard labor for the county for not more than three months.

Section 4. That said act be amended by adding thereto section 20 as follows: Section 20. The board of mayor and aldermen or other legislative body of the city of Sheffield and Tuscumbia may establish the office of book-keeper for the dispensaries in each of said cities, who shall be appointed by the mayor of said cities and confirmed by the board of aldermen. The persons appointed to hold said offices shall be competent and skillful and shall keep complete, accurate and full records and accounts of the business of the said dispensaries, and perform such other duties as may be prescribed by the board of mayor and aldermen. Said book-keepers shall receive as compensation for their services not more than one hundred dollars per month.

Approved July 31st, 1907.

No. 519.)

AN ACT

(H. 1119.

To declare the ownership of all books of record, all books of every character kept by any officer of the circuit court of Henry county at Dothan and Columbia, and all papers of every character pertaining to any cause, civil or criminal, theretofore disposed of, or pending or originating in said courts and not finally disposed of, including indictments where no arrest had been made, at the time of the organization of the county of Houston, to be the property of Houston county, and same to be kept in the office of the clerk of the circuit court of Houston county; to give the circuit court of Houston county jurisdiction of all such causes, civil and criminal, including indictments where no arrest had been

made at the time of the organization of said Houston county, except where the defendant was at the time of the commission of the offense alleged in what is now Henry county, in which latter event the circuit court of Henry county shall have jurisdiction of the offense; to prescribe the duties and powers of the clerk of the circuit court of Houston county and of the sheriffs of their respective counties with reference to the issuance of process and the execution thereof in such causes, and to ratify and confirm all orders and judgments and proceedings of the circuit courts of Henry and Houston counties in any of said causes, and the acts of the clerks of the circuit courts of said counties and of the sheriffs of their respective counties, within their powers and duties, in and about any of said causes, including the issuance of capias and arrests thereon on indictments returned to said circuit courts of Henry county at Dothan and Columbia, and to declare same of legal force and effect the same as though such causes had originated in said circuit courts of Houston or Henry counties.

Books, etc., declared to be property of Houston county.

Section 1. Be it enacted by the legislature of Alabama, That all the books of record of the circuit court of Henry county held at Dothan and Columbia; all books of every character kept at either of said places by any officer of said court, all papers of every character pertaining to any cause, civil or criminal, theretofore disposed of, or pending or originating in either of said courts and not finally disposed of, including indictments where no arrests had been made at the time of the organization of Houston county are hereby declared to be the property of Houston county, and all such books and papers shall be kept in the office of the clerk of the circuit court of said county.

Proceedings for disposition of cases, etc.

Section 2. That all proceedings of every character for the disposition of all causes, civil and criminal, including indictments where no arrest has been made, theretofore tried, or pending or

originating in the circuit court of Henry county at Dothan or Columbia, at the time of the organization of Houston county, and the enforcement of all orders and judgments of either of said courts, including trials, issuance of process and the execution of such process, shall be had in and shall issue out of the circuit court of Houston county, which said court shall have and exercise the same jurisdiction and powers that it has where such causes originated and are properly triable in said court; provided, that where indictment was returned by the grand jury of the circuit court of Henry county held at Dothan or Columbia, and the defendant has not been heretofore arrested, if the offense charged was committed in what is now Henry county, *capias* shall issue by the clerk of the circuit court of Henry county returnable to the circuit court of Henry county, who shall also forward to said circuit court of Henry county a certified copy of the indictment, on which trial shall be had in said circuit court of Henry county.

Section 3. That the clerk of the circuit court of Houston county, the sheriffs of their respective counties, shall have and exercise the same duties and powers and be subject to the same penalties in all such cases civil and criminal, as is now, or that may hereafter be provided by law, in cases within their respective counties. Powers and duties of clerk and sheriff.

Section 4. That all proceedings heretofore had in, and all orders and judgments rendered by the circuit courts of Henry and Houston counties in any of such cases, and all acts of the clerks of the circuit court of Houston or Henry counties, and all acts of the sheriffs in their respective counties within their duties and powers as such officers, performed in and about said causes, civil or criminal, including *capias* and arrest thereon, on indictments returned to said circuit court of Henry county at Dothan or Columbia, are each and all hereby ratified and confirmed, and are of the same force and effect as if said causes had originated in the county of Houston or Henry respectively. Certain acts and proceedings ratified and confirmed.

Repeal.

Section 5. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved Aug. 3, 1907.

No. 521.)

AN ACT

(H. 1013.)

To provide for the payment out of the county treasury of Shelby county, Alabama, the sum of \$336.91 as the salary or compensation and expenses of the State examiner while engaged in making an examination of books and accounts of the various county officers of said county of Shelby as they pertain to the county affairs and to make said claim a preferred claim against said treasury.

Amount paid
and for what
purpose.

Section 1. Be it enacted by the legislature of Alabama, That the salary, compensation and expenses of the State examiner while engaged in making the examination of the books and accounts of the various county officials of Shelby county, Alabama, as they pertain to the county affairs, said examination being made during the spring of 1907 by Hon. John Purifoy, examiner of public accounts, which said salary and expenses amounted to \$336.91, to be paid out of the general fund of the county treasury of said county of Shelby and said claim shall be a preferred claim against said treasury and shall become payable immediately upon approval of this act.

Approved July 31, 1907.

No. 524.)

AN ACT

(H. 1112.)

To provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Franklin county shall, at the November term, 1907, or as soon thereafter as practicable, appoint a superintendent of the public roads of said county whose term of office shall begin on January 1st, 1908, and continue for two years unless he shall be sooner removed by said court for drunkenness, neglect of duty or incompetency or other sufficient cause.

Superintendent of roads; appointment and term of office.

Section 2. That such superintendent shall, before entering upon the duties of said office qualify by taking and filing the statutory oath of office and giving bond conditioned for the faithful performance of the duties of such office, payable to Franklin county, in such sum as may be prescribed by said court not less than one thousand dollars, with sureties thereon to be approved by the commissioners' court of said county which oath and bond shall be recorded in the office of the judge of probate.

Bond.

Section 3. That the superintendent of public roads shall receive a salary of one thousand dollars for each years service to be paid to him in quarterly installments at the end of each quarter, by warrant to be drawn on the order of the commissioners' court on the road fund in the county treasury.

Salary of.

How paid.

Section 4. That said superintendent, subject to the orders and directions of the court of county commissioners shall have control and supervision of all public roads of said county as to the manner of working, repairing, opening or changing roads, or of repairing or building bridges, culverts and causeways.

Power of superintendent as to working, etc., of roads.

Section 5. That the superintendent shall have authority and it shall be his duty immediately after entering upon the duties of his office to appoint a competent person in each precinct of the county as enumerator of road hands for such precinct, which said enumerator shall make oath in writing that he will faithfully discharge the duties of said office, which said oath may be admin-

Superintendent to appoint enumerators.

Oath of.

istered by said superintendent and when so taken shall be filed in the office of the commissioners' court of said county and there preserved for public examination.

Public roads
divided into
sections.

Section 6. That as soon as the enumeration and list of road hands hereinafter provided for, shall have been made and filed in the office of the judge of probate it shall be the duty of said superintendent to divide the public roads into sections of such length as may determine numbering consecutively the said sections and he shall then appoint such overseers as he may deem necessary for a term of two years for the efficient and proper working and maintenance of the roads and assign such section or sections to each overseer as he may determine and to each overseer he shall apportion such road hands for each section as the amount and character of work to be done on such section may in his judgment be necessary and he shall deliver a list of such road hands to each overseer and keep a duplicate list for filing in the office of said superintendent and to there be kept for ready reference.

Appointment
of overseers.

Roads appor-
tioned, etc.

Oath of over-
seer.

Section 7. That it shall be the duty of said superintendent to cause each overseer to take and subscribe in writing an oath that he will faithfully perform the duties of overseer, which oath may be administered by said superintendent, and shall be filed with the commissioners' court. To each overseer so apportioned the said superintendent shall deliver a commission setting forth the section or sections over which he has been appointed together with the grade of the road or roads of each section provided that when a vacancy occurs in the office of overseer from whatever cause, the same shall be filled by said superintendent and provided further that said superintendent may at any time remove an overseer for neglect of duty, failure or refusal to perform his duties, or for drunkenness while discharging the duties of his office.

Commission
given overseer,
contents of.

Removal of
overseer.

Section 8. That said superintendent shall personally inspect all the public roads in the county

at least four times each year, and in making such inspection when practicable shall be accompanied by the overseer of the section and he shall make such suggestions and give such directions as to changing road beds, repairing, improving and working the public roads, and in building, repairing and maintaining bridges and culverts as he may deem proper. He shall make full report of the condition of the public roads and the manner in which any contracts have been or are being executed to the court of county commissioners at the February, August and November terms of said court in each year, and such special reports as said court may call for at other times. Said superintendent shall also make full report of the condition of the public roads of the county to each grand jury of the county empanelled at a regular term of any court having a grand jury, which report shall be submitted within the first two days after the assembling of such grand jury.

Superintendent to inspect roads and make suggestions, etc.

Reports as to condition of roads.

Section 9. That the enumerator of road hands hereinbefore provided for, shall immediately after the first of January of each year, make a thorough and complete house to house canvass of his precinct taking down the names and ages of all male residents of the precinct over 18 years and under 45 years of age entering the same in a book to be kept by him for that purpose, and entering opposite each name so enrolled, the name or location of the farm on which he resides or the name or location of the house in which he dwells and the name of the public road nearest to his dwelling place. The said enrollment book shall be written in a plain legible manner, with ink and upon the completion of the enrollment be at once filed in the office of the commissioner's court or delivered to the superintendent.

Duties of enumerator as to enrolling hands.

Section 10. That the said enumerator shall have authority to administer oaths and in making his enrollment of road hands or at any time when it may become necessary to list persons for road service, if the person proposed to be listed

Enumerator to administer oaths in listing hands.

Persons not listed.	shall claim to be over 45 or under 18 years of age the said enumerator may take the affidavit of such person or any other person who can testify as to the age of the person so proposed to be listed which affidavit or affidavits shall be in writing and subscribed by the affiant, and the same shall be preserved and filed by such enumerator in the office of the commissioners' court, except in cases where he has cause to believe perjury has been committed, when he shall return such affidavit to the next grand jury; provided that in listing persons for road duty no person who has lost an arm or a leg, or who shall have a certificate of exemption from the county medical board, shall be listed for road service.
Compensation of enumerator.	Section 11. The enumerator herein provided for shall receive such compensation as may be determined by the court of county commissioners not to exceed \$7.50 to be paid on warrant by the commissioners' court out of the road fund of the county, upon proper vouchers filed with said court. Provided that such enumerator shall hold office at the will of the superintendent, but may be removed by him at any time, for neglect of or failure to perform his duties, or for partiality or favoritism shown therein and upon removal shall be subject to enrollment as a road hand.
Removal of.	Section 12. That in the appointment of overseers the superintendent is not restricted to persons who are subject to road duty under this act, and it shall be the duty of each overseer to make quarterly reports to the superintendent of all work done by him during the quarter, the number of days worked by each hand and the names of all defaulters, and the overseer shall not be paid his per diem until such report is made.
Persons liable to appointment as overseer.	Section 13. That all male inhabitants of Franklin county, except the inhabitants of cities and towns having an acting municipal organization between the ages of 18 and 45 years and not exempt from road duty under the general laws of this State shall be required to work upon the public roads of said county ten days in each cal-
Reports of.	
Persons liable.	
Days worked.	

endar year if deemed necessary by the superintendent provided that the said ten days work may be commuted by to the said superintendent or to the county treasurer on or before the first day of April in each year, the sum of \$7.50 dollars Commutation fee. but if not so paid on or before such date, the road hand, either in person or by an able bodied substitute shall perform the full ten days labor; and in order that road hands may have opportunity to pay such commutation money it shall be the duty of the superintendent to attend at some designated place in each precinct on a day prior to the first day of April of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct; provided further that no overseer shall be authorized to receive commutation money in lieu of road services at any time. The commutation money so received by the superintendent shall be paid by him to the county treasurer by the first of each month.

Section 14. That whenever an overseer shall Hands called out. determine that a road needs repairing or working or when the superintendent shall so direct, he shall call out such hands as have been listed to him and if any hand shall fail or refuse to work Failure to work or send substitute. or to furnish an able bodied substitute it shall be the duty of the overseer after five days from the warning to work is given, to return each and every hand so failing or refusing to a justice of the peace in the precinct or if there be no justice, then to the nearest justice of the peace in an adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the State. Provided that overseers on good excuse made under oath which may be administered by the overseer, may excuse default- Defaulters may be excused. ers within five days after default, and any persons making false oath to the overseer to get excused shall be guilty of perjury and punishable therefor.

Section 15. That a days work for road hands Hands worked a day. under the provisions of this act shall be ten hours

Warning of hands.

of actual service and the warning of hands shall be made by the overseer in person or by substitute by giving two days notice to the hands, stating to the hands on what road and at what point on the road the hand shall report for service, or it may be made by leaving a written notice for the same length of time at the residence of the hands. No hand shall be required to work a road every part of which is more than six miles from his residence.

Removal of road hand; certificate given.

Section 16. That when a road hand listed to an overseer, who has performed part of his service, remove from a precinct it shall be the duty of the overseer to furnish him on demand a written certificate showing the time he has served during the current calendar year which certificate shall be an exemption to such hand, to the extent of time worked from road service in any other precinct in the county to which he may remove.

Fines paid in money.

Section 17. That all fines imposed upon road defaulters shall be paid in lawful money and when collected shall be paid to the county treasurer to the credit of the road fund.

Requisition for teams, etc.,

Section 18. That it shall be the duty of the overseers of roads before commencing to work their roads to ascertain as near as possible what teams for plowing or hauling they will require and to make requisition on the superintendent thereof, stating in such requisition the hauling and plowing to be done, and it shall thereupon be the duty of the superintendent to determine to what extent such requisition shall be complied with, and to either hire from private persons or furnish the teams owned by the county to fill the requisition to the extent deemed proper or to authorize the overseer to hire such teams from private parties for such time as the superintendent may designate, and all bills for the use of hire of teams must be approved by the superintendent before payment, and no overseer shall use his own teams for work on the public roads unless authorized in writing to do so by the superin-

tendent; provided that in case of a serious casualty to a road, bridge or culvert, the overseer may act at once and hire the necessary teams to repair the same without making requisition but shall promptly thereafter make full report of his action to the superintendent.

Section 9. That the overseer of roads appointed under this act, shall be paid such compensation as may be determined by the court of county commissioners to be paid at the end of each quarter, upon the approval of his report and account by the superintendent out of the road fund, by warrant on order of the commissioners court; provided that overseers shall not be paid a per diem for warning hands but he may appoint a road hand, to do that duty and excuse such a hand from a days work for each day he shall be engaged in warning hands provided further, that if said overseer be subject to road duty \$7.50 shall be deducted from his compensation for each year.

Section 20. That the superintendent shall be under the control and direction of the county court of commissioners, who shall require him to devote his entire time to the public roads and bridges of the county, and shall be furnished with all necessary stationery and blanks for the use of his office to be paid out of the road fund and such superintendent shall keep such books and account lists of overseers, enumerators and road hands as to show all transaction pertaining to the working, repairing and maintenance of the public roads and bridges and shall be provided with a desk in the court house in which to keep his books and other papers pertaining to his office.

Section 21. That the court of county commissioners of said county shall have authority to purchase and maintain such teams, implements and machinery and tools and material as may be deemed necessary and proper for use in working, repairing and maintaining the public roads and bridges of said county, and shall be authorized to

Purchase of
right of way,
etc.

purchase right-of-way for new roads, or changes of roads, to contract for grading, filling or macadamizing of any part or parts of any public road or to employ persons to do such work under such agent as it may appoint and to pay the same out of the road fund or out of the general fund.

Location of
new or change
of old road.
proceedings
as to.

Section 22. That when a new road is to be opened or an old road changed in said county (except minor changes otherwise provided for) instead of a jury of view as provided by section 2447 of the code of 1896 the road superintendent shall view, locate and mark out the best route for such proposed new road or change of old road, and to assess the value of the land to be taken for such new or change of road and superintendent before entering upon such duty take and subscribe an oath to view and mark out the road to the greatest advantage to the public and must after viewing and marking out the route make report and return the same with the plat to the court together with an assessment of the value of the land owner that will be taken if the road is opened over the route marked out, provided that where minor changes can be made with the consent of the owner of the land over which such changes shall be located, or when a right-of-way for a new road can be acquired by donation or purchase from the land owner then such changes may be made, or new road opened by order of the court of county commissioners, entered on the minutes of said court without proceeding under this and the next two succeeding sections of this act.

Notice served
on owners of
land.

Section 23. That upon the coming in of the report and return of the road superintendent as provided in section 22 of this act, the commissioners' court must cause notice to be served on the owner or owners of such tract or parcel of land over which the road has been marked showing the route marked out, the quantity of land that will be taken from said owner if said road is opened and the amount of compensation that the report of the superintendent shows should be paid to

said owner as to the value of his land so to be taken, and appointing a day on which the court will hear any objection to said report or to any valuations therein shown for at least ten days before the day set for hearing such report and any objection thereto. Said notice shall be served on the owner or owners, or if such owner cannot be found but has a residence in the county, by leaving a copy of said notice at his residence. Should it be known to the court by the return of the superintendent, or from any other source that the owner or owners of the land or any part thereof reside outside of the State, then like notice shall be given such owner or owners by publication for three successive weeks in some newspaper published in the county.

Day set for
hearing objec-
tions.

Section 24. That on the day appointed as provided in section 23 of this act, the court shall proceed to act on said report of a view and assessment of valuation in all respects as provided in section 2449 of the code of 1896; provided that by direction of the superintendent of roads, minor changes may be made in old roads with the consent of the owner of the land for such change; and provided, further that the court of county commissioners may contract with land owners for a right-of-way for changing old roads, or opening new roads.

Hearing of ob-
jections.

Section 25. That any land owner whose land shall be taken or the right-of-way of public roads as herein provided who shall be dissatisfied with the amount of compensation awarded to him may within five days after the award appeal to the city or circuit court of the county, and if on such appeal he shall recover more damages than had been awarded to him by the commissioners' court, the costs of appeal shall be paid by the county otherwise the costs shall be paid by the land owner; when appeal is taken, the commissioners' court may pay to the clerk of the court to which said appeal is taken the amount of compensation awarded to the land owner and upon such payment being made to the clerk the commissioners'

Appeal by
land owner.

Special tax
levied.

Funds kept
separate and
used only for
roads.

Funds trans-
ferred to road
fund.

How road
fund dis-
bursed.

Rules and reg-
ulations as to
working, etc.,
roads.

court or superintendent of roads or the overseer shall be authorized to enter upon said land and construct the road notwithstanding the appeal.

Section 26. That to carry out the purposes of this act, the court of county commissioners of said county shall levy a special tax not to exceed two and one half mills on all the taxable property in the county. The said tax when collected shall be kept separate from the other funds of the county and shall be called the county road and bridge fund and shall be used only for the purpose of building, repairing and maintaining the public roads and bridges of the county and for laying out and the construction of new roads including payments for right-of-way, and the salaries of superintendent and other employees of the county engaged in the roads service, and road tools, teams and machinery. The commissioners' court are authorized to transfer to the county road fund any of the general funds of the county and to apply such funds so transferred to the maintenance of the public roads and bridges.

Section 26. That the "county road fund" provided for by the preceding or any other section of this act shall be disbursed upon the order of the court of county commissioners as provided for by this act.

Section 27. That the court of county commissioners shall have full power and authority to make and establish such rules and regulations, not in conflict with this act, that it may deem necessary for the proper construction, working, repairing and maintaining of the public roads, bridges and culverts of said county and for requiring of all persons charged with any duty, power or liability under this act, a rigid performance of and accountability therefor, and for this purpose may appoint an auditor to examine into and pass upon all claims presented against the road fund and to fix the compensation of such auditor and provide for his payment out of the road fund as may be determined.

Section 28. Any supervisor, overseer, or other person who fails to perform any duty required of him by this act or by the general laws of this State not in conflict with this act, shall be guilty of a misdemeanor and on conviction must be fined not less than ten dollars nor more than fifty dollars. Penalty for failure to perform duty.

Section 29. That except as otherwise provided this act shall take effect on the 1st day of January, 1908, and when not in conflict with this act the general road law of the State shall be in force and that all laws and parts of laws general and local in conflict with the provisions of this act be and the same are hereby repealed, as to Franklin county. Effect. Repeal.

Approved July 31, 1907.

No. 525.) AN ACT (H. 1035.

To provide for the election of a county solicitor for Wilcox county, to define his duties and fix his compensation.

Section 1. Be it enacted by the legislature of Alabama, That at the general election in 1908, and every six years thereafter, the qualified electors of Wilcox county, shall elect a county solicitor, whose term of office shall begin the day after the election and shall be six years and until his successor is elected and qualified, said officer shall be a qualified elector of said Wilcox county and shall be learned in the law. Until said election said office shall be filled by appointment by the solicitor of the fourth judicial circuit, who shall within thirty days after the approval of this act, appoint same member of the Wilcox county bar, to said office and in case of a vacancy occurring at any time in said office, the solicitor of the fourth judicial circuit, shall in the same manner fill said vacancy, the appointee to hold his office until the next general election for any State of- Election of solicitor. Appointment of. Vacancy; how filled.

	ficer held at least six months after the vacancy occurred and until his successor is elected and qualified.
Duties of.	Section 2. That it shall be the duty of said officer to prosecute for the State in the county court, to represent the State in all preliminaries in capital cases, and in all habeas corpus cases where the petition is charged with the commission of a felony, provided said proceedings are held at the county seat, to prepare the grand jury docket, and to assist the circuit solicitor in said county, whenever called upon to do so.
Not allowed to defend in criminal case.	Section 3. That said county solicitor shall not defend any criminal case in any court in said county during his term as solicitor and if he has a law partner, said partner is hereby prohibited from defending criminal cases in said county.
Fees, how disposed of.	Section 4. That all fees and compensations of said county solicitor earned by him as now provided by law shall be paid into the county treasury.
Salary.	Section 5. That said county solicitor shall be paid a salary of one thousand dollars per annum payable out of the county treasury.
Repeal.	Section 6. That all laws and parts of laws contrary to or in conflict with the provision of this act be and the same are hereby repealed.
Duty as to preliminary trials.	Section 7. That it shall be the duty of said county solicitor to attend the preliminary trials of capital cases, before justices of the peace of Wilcox county, whenever required to do so.
	Approved July 31, 1907.

No. 526.)

AN ACT

(H. 913.

For the maintenance, improvement and protection of the public roads and bridges of Cullman county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improve-

ment of the same; to pay for the same either out of the general fund of the county or the special road and bridge funds; to provide for the appointment by the commissioners' court of said county, of a road superintendent or superintendents and surveyor or surveyors, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county; providing for the method of employing hands and how certain parties may be required to take out a license for the use of said public roads; providing the method of appointing apportioners and overseers and defining their duties, and how they can be excused from serving as such; defining the road year and those liable to road duty, the time they may be required to work; prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands, and defining those who are exempt from road duty. Be it enacted by the legislature of Alabama:

Section 1. That this act and the general law Road law. of the State, not in conflict with this act, shall constitute the law for Cullman county, on the subject of public roads and bridges.

Section 2. That it shall be the duty of the Purchase, etc., court of county commissioners of Cullman coun- of horses, etc. ty, Alabama, to purchase, or hire, all such horses, mules, live-stock, teams, harness, machines, wagons, carts, scrapes, plows, tents, implements, materials, and other paraphernalia or things as may be necessary in the construction, working or maintenance or repair of the public roads and bridges in Cullman county, Alabama; and said court is hereby authorized to appropriate out of the general funds in the county treasury, from Amount ap- time to time, such amount or amounts, as the propriated out said court may determine, as will not interfere of general fund. with defraying the necessary and general expen-

ses of the county, for the purpose of paying for the same and also for the erection, equipping, maintenance and repair of said public roads and bridges of said county, and for the payment of all just claims against the said county for said purpose. And the said court may make such provision for the care of all live stock and other property belonging to the county, used in the working of its roads as it deems best. And said court may from time to time sell any property purchased or used in and about the working of said public roads; and said court shall have the right and authority to employ such hands as may be required or deemed necessary in the working, maintaining and building, and repairing of the roads and bridges of the said county.

Sale of property purchased.

Employment of hands.

Appointment of superintendent.

Powers of.

Section 3. The court of county commissioners shall as soon as practicable after the passage of this act, appoint one or more superintendents of public roads and bridges in said county, who shall have the control and supervision of all the public roads and bridges of such district so set apart to him by said court of county commissioners, as to manner of working and repairing and maintaining the same, under the direct control and supervision of the said court of county commissioners, and who shall hold office for a term of one year.

Oath.

Bond.

Section 4. That the said superintendent shall before entering upon the duties of said office, qualify by taking and filing the statutory oath of office and giving bond for the faithful performance of the duties of the said office, payable to Cullman county, Alabama, in the sum of two thousand dollars, with sureties thereon to be approved by the probate judge of said county, and which oath and bond shall be recorded as other official bonds are required to be recorded in the office of the judge of probate of said county.

Salary of.

Section 5. That the said superintendents shall receive a salary, not to exceed one thousand dollars each, per annum, to be determined by said court of county commissioners before he enters upon the duties of said office, to be paid him

monthly, by a warrant to be drawn by the judge of probate of said county, upon the special road and bridge fund in the county treasury. Said superintendent or superintendents may be removed from office at any time, whenever in the opinion of the court of county commissioners it is best to do so, and at which time his salary shall cease. That if the office of superintendent shall become vacant by death, resignation, removal, or otherwise, the commissioners' court at the next regular term, or called meeting thereafter, shall appoint a suitable person to fill the unexpired term.

How paid.

Removal.

vacancy;
how filled.

Section 6. That the duties of the said superintendent or superintendents of public roads and bridges in said county shall be: (1) To have control and supervision of the overseers and public roads of said county, and direct the manner of working said roads subject only to such rules and directions as may have been previously made and given him by the said court of county commissioners of said county. (2) To remove any overseer who shall fail or refuse to perform his duties or comply with any reasonable order or direction of said superintendent, or said court of county commissioners, and to appoint another in his place and to fill vacancies in the office of overseer. (3) To work and improve the roads of Cullman county, as he may be directed to do by the court of county commissioners, before beginning work on any road in any locality in the county. If deemed necessary by the superintendent he shall give the overseer of said road five days notice of his intention to begin work, whereupon the overseer of said road, shall call out for road duty any person subject to road duty on said road, and said overseer and road hands shall meet the superintendent at the place designated in the notice given by the superintendent to said overseer. The overseer shall see that each hand appointed to a public road or liable to work thereon, has had the notice required by law, and that all persons liable to road duty perform their equal share of service,

Duties of superintendent.

and in the event any person who has been warned to work on a public road has a sufficient excuse for not working at the appointed time, the superintendent or overseer shall see that such person perform his equal share of road service at other times and places. He shall also in conjunction with the overseer, make a memorandum of all defaulters and see that the overseer and persons liable to road duty perform all the duties required of them by law, and especially report to the court of county commissioners and the grand jury of said county at the next term thereof, the name of all overseers who fail to comply with the law requiring them to prosecute defaulting road hands. (4) To contract for building or repairing small bridges, culverts and causeways, with the permission and consent of the commissioners' court, and contract for such timber and materials as may be necessary for the buliding or repairing of said small bridges, culverts and causeways, and contract for the erection of mile posts and sign boards. (5) To dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail or refuse to do good sufficient work, or who may be intoxicated, or who shall use any vulgar, profane or obscene language, after having been requested by the superintendent or overseer not to do so, or who shall refuse to obey any reasonable order of the overseer or superintendent, and have such person proceeded against as though he has failed to obey the notice to work or had failed or refused to work on said road. (6) To take good care of teams, live stock, tools, and implements turned over to him by the court of county commissioners, or which have come to his charge or custody in any manner; to use the same only on the public roads of the county, and at the expiration of his term of service, or his removal from office, he shall deliver the same to the probate judge of Cullman county, or to his successor in office. (7) To make reports under oath to the court of county commissioners at the regular terms in February,

May, August and November in each year showing the time each laborer has worked under him, together with any other reports as may be required of him by the court of county commissioners. (8) To make monthly reports, under oath, to the judge of probate of said county, stating the names of the pay laborers he has had in his said employ and the time they have so worked, together with the amount of the pay of each, set opposite their respective names, to which they are entitled for labor performed under him, and the judge of probate shall immediately draw a warrant on the treasurer of said county in favor of each of said laborers for the amount which is due him if the said sum is such as has been theretofore authorized by the commissioners' court of said county.

Section 7. The court of county commissioners of Cullman county, shall have the power at any time after the passage of this act, as follows: (1) To employ a competent surveyor or civil engineer for the use of the public roads and bridges of said county, and to fix a reasonable compensation for his services. (2) To require persons operating saw mills in the county when logs or lumber or any portion thereof, is hauled over the public roads of the county, or any specific portion thereof, to first secure a license from the probate judge of said county, and to prescribe the price to be paid for same. (3) To require persons hauling logs, lumber or other timber or crossties, of whatever description over the public roads of said county or any specific part thereof, to secure a license from the judge of probate and to prescribe a price to be paid for such license on each wagon or dray so engaged. All money collected under this and the preceding sections shall go into the special road and bridge fund of the said county. The probate judge is entitled to twenty-five cents for issuing each license, to be paid by the party applying for the same. (4) To enter upon any order or decree that said court may deem wise and proper for the benefit of the public roads and bridges of Cullman county, not inconsistent with

Powers of
county commis-
sioners.

the general laws of the State of Alabama, and not inconsistent with this act. (5) Any person who violates any order or decree made by the court of county commissioners of said county under the provisions of this act, shall be guilty of a misdemeanor, and on conviction must be fined not less than ten dollars nor more than one hundred dollars, to be paid in money and to go into the road and bridge fund of the said county. (6) Said court shall employ or authorize the superintendent or superintendents to employ such laborers, in any manner, as in its or his judgment, shall seem best, and which said laborers shall be under the direct supervision and control of said superintendents.

Hours worked
by laborers.

Section 8. The superintendent of said hired laborers shall actually work said laborers not less than eight hours each day. Any superintendent failing, without sufficient cause or good excuse to work said laborers at least eight full hours in each day, as above provided, shall be removed from office, and shall forfeit his salary for the months in which such failure or failures occur. But nothing herein contained shall be so construed as to require persons who work the road in response to the summons given by overseers to work, to work at other different hours than those now fixed and provided for the general laws of this State.

Overseers and
apportioners,
appointment
and duties.

Section 9. Said apportioners and overseers are to be appointed, have authority, and their duties shall be such as is set out in the general road law for the State of Alabama, save and except the same conflict with this act, and in that event this act is to control.

Persons ap-
pointed may
not accept or
resign.

Section 10. Any person appointed superintendent, apportioner or overseer, may send in his excuse for not accepting, and after accepting, may resign, to the judge of probate of said county. Such excuse or resignation must be in writing, and the excuse for not serving or the reason for resigning must be stated therein and sworn to. The judge of probate shall pass upon such

excuse or resignation, and may accept or reject the same.

Section 11. The mode of warning hands, is for warning of the overseer, or some one appointed by him, to hands, etc. give two days notice in person, or in writing, to be left at the place of residence, to all persons liable to road duty to meet at the place of residence, to all persons liable to road duty to meet at such time and place as the overseer may appoint and with such tools as he may direct.

Section 12. The current road year shall begin Road year. on the first day of January, 1907, and shall end on the thirty-first day of December, 1907, and thereafter the road year shall begin on the first day of January and end on the thirty-first day of December succeeding.

Section 13. No person or hand in Cullman Days worked. county shall be liable or required to work any public road more than eight days in any one year not counting the days engaged in opening new roads.

Section 14. All persons residing in Cullman Persons liable. county not herein exempted, shall be liable to work on the public roads of said county for 8 days for each road year, not counting the days engaged sons only are exempt from road duty; all persons Persons exempt. who reside in municipal corporations and are liable to street and road duty therein; all females, guards, and persons having control of convicts, all male persons under eighteen years of age, and over forty-five years of age; all maimed and disabled persons who shall procure a certificate of such disability from the commissioners' court of said county.

Section 15. Any person who may be liable to Commutation road duty under the provisions of this act, may fee. discharge such liability by paying the sum of five dollars to the tax collector of Cullman county, on or before the first day of January of each year preceding the road year for which he would be liable for road duty. Said tax collector shall issue to him on blanks furnished by the court Receipt for of county commissioners of said county, a receipt same.

giving his full name, the precinct in which he resides, and the year for which he has paid.

List of persons paying fee to be filed by tax collector, etc.

Superintendent to notify overseer.

Fees of collector.

Collector to pay money monthly.

Special tax levied.

Funds kept separate and used only for roads.

Section 16. During the month of January in each year the tax collector of said county shall file an alphabetical list according to precincts of the persons paying him the said amount of five dollars in lieu of work, in the office of the judge of probate of said county, and shall mail a copy of said lists to the road superintendent or superintendents of said Cullman county, giving the names in full of the persons so paying, together with the total amount received under the provisions of this act. Said superintendent or superintendents shall likewise give notice to the overseers, within the county or his district of the names in full of each person so paying, within the road precinct of each overseer, within ten days after the receipt of said list from said tax collector. The tax collector shall receive for his services under this act, such sum as the commissioners' court may fix, not to exceed three percent of the amount collected thereunder. Said tax collector shall pay in monthly into the county treasury, all monies received by him under this act, and notify the judge of probate of the amount so paid, and said amounts shall go into the road and bridge fund of said county.

Section 17. The court of county commissioners of Cullman county be and they are hereby authorized and empowered to levy a special tax of not exceeding one-fourth of one per cent per annum, on all taxable property within said county, for the purpose of paying for the building, erection, maintenance and repair of the public roads and bridges of said county which said special tax shall be levied and collected as other State and county taxes are levied and collected, but the funds arising from the same shall be kept separate from all other funds, and shall only be used for the purpose for which the same was levied and collected. Said fund is to be known as the special road and bridge fund of Cullman county.

Section 18. It shall be unlawful for any person to drag any logs or timber of any description along or across any public road in Cullman county, or to bunch such timber on or along such road so as to injure the same by the reloading or removing such timber, or to place any timber, lumber, or other obstruction in any culvert or ditch along said road so as to cause the same to fill up to any extent, or so as to obstruct the free passage of water along or through the same. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and said fine to be paid in money and to go into the special road and bridge fund for the county.

Unlawful to injure road by dragging timber over same, etc.

Penalty for violation.

Section 19. Any firm, person, or corporation engaged in the business of, or hauling lumber, timber, crossties or other heavy loads, or running heavy machinery over the public roads of Cullman county, who shall damage, break or destroy any bridge or culvert on the roads of said county, shall upon being notified either in person, or by written notice given by the overseers of said road, or the superintendent of said road, and who shall within five days after such notice fail or refuse to repair the bridge or culvert so damaged, broken or destroyed, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars, nor more than one hundred dollars, and said fine shall be paid into the special road and bridge fund of said county, in money.

Party damaging road to repair same, etc.

Penalty for failure.

Section 20. The court of county commissioners shall keep printed copies of this act, in the office of the judge of probate of said county, and said judge of probate shall distribute the same to apportioners and road overseers in the county, and to such tax payers therein, who shall apply for the same.

Act printed and distributed.

Section 21. That all laws, local, special or private, and general in conflict with this act be and the same are hereby repealed.

Repeal.

Circuit judge
to charge
grand jury as
to.

Section 22. That it shall be the duty of the circuit judge to give this act in charge to the grand jury at each term of the circuit court of said Cullman county.

Approved Aug. 2, 1907.

No. 528.)

AN ACT

(H. 1017.

To authorize Talladega county, Alabama, to build and construct macadam, chert and gravel public roads, and the necessary bridges, culverts and drainways therefor, and to issue bonds of said county to aid in the construction and building thereof.

County to con-
struct road
system.

Section 1. Be it enacted by the legislature of Alabama, That Talladega county by and through a road commission, consisting of three persons, to be appointed by the governor is hereby authorized to build and construct a system of macadam, chert and gravel public roads in and for said county, the same to extend to and from such points in said county as will best subserve the interests of the general public, as may be determined by a majority of said commission, the said commission shall be authorized to determine what portions of any public road shall macadamized, cherted or graveled.

As to building
of roads.

Section 2. The commissioners in building or constructing the public roads provided for in this act, are required to locate the road beds in the most suitable ground and to run in the most practicable direction, and said commissioners shall have the right to enter, locate and build or cause to be built on or through the premises of any person, condemning for the use of the county, paying therefor a reasonable compensation by agreement with the owners, and when the commissioners and parties owning cannot agree, proceedings to condemn the right of way may be had in the name of said commissioners for the use of said county as applicants under article 1 of chap-

ter 42 of the code of Alabama of 1896, as amended by act approved October 1st, 1903 (Acts 1903, p. 374). The intent and meaning of this act is that the said commission in building or constructing public roads shall not be required to follow the public roads as now located, but may make such changes in the location of such roads as will place the same on the best ground for construction, permanence, easiest of repair and for the best drainage.

Section 3. That said commission shall have the right to take and use in construction or building, or cause to be taken, such quantities of stone, chert, gravel or other material adjacent or contiguous or conveniently near as may be necessary paying such reasonable compensation for the same as may be just and proper, and when said commission and owners of such material cannot agree upon the amount of compensation, the same shall be fixed by proceedings in the name of said commission, for the use of said county, as applicants under article 1 of chapter 42 of the code of Alabama, 1896, as amended by act approved October 1st, 1903 (Acts 1903, p. 374). When so condemned the right to take and use such material shall extend to the building and construction of the roads, and also to keeping the same in repair.

Sec. 4. That said road commission shall have the right to fix the width, amount of stone, chert or gravel or grade on any particular road; provided, that the roads macadamized, cherted or graded under the provisions of this act shall be laid out at least twenty-five (25) feet wide, twelve (12) feet of which shall be bedded with stone, chert or gravel, and the grade not more than one foot in twelve. Provided further, that said commission may use its discretion as to the grade in constructing roads up and over mountains.

Section 5. That whenever an election is held in said county, and the issuance of bonds shall be authorized, by a majority of the qualified electors

Results certified to governor.

Appointment of commissioners.

Examination, etc., of roads.

Engineer employed.

Roads let by contract, etc.

of said county voting at such election, as provided in this act, for the purpose of aiding in the construction of such macadam, chert, or gravel roads, the result of such election shall be certified to the governor who shall thereupon appoint three persons, resident citizens of said county, as commissioners under this act, one of whom shall designate, as the president of said commission, and said commissioners shall qualify and proceed to their duties within twenty days after such appointment.

Section 6. That after the commission as herein provided for shall have qualified, they shall proceed to make examination and inspection of the public roads of said county; and to determine what portion of said roads shall be macadamized, cherted, or graveled, and shall employ a skilled engineer to locate such changes as may be determined upon and may employ such needful help as they may deem proper in and about such location and changes, to be paid for out of the fund arising out of the provision hereinafter provided for, that immediately after the completion of the location and surveying of said roads, or any one of said roads, within their discretion, the said road commission shall offer so much of such portions to the lowest responsible bidder, not less than one, nor more than fifty miles, to be built by any one contractor, who shall be required to give good and sufficient bond, payable to Talladega county, in the sum of the amount of such bid, for the faithful performance of such contract, and said bond may be made through any lawfully authorized guarantee or surety company doing business in this State, and all bonds to be approved by said commissioners. Said commissioners are required to give notice in every precinct of said county and by advertising in some newspaper for four weeks, that the contracts are to be let for having said road or roads built, with a description of each mile or miles to be built, together with a statement of the kind of roads to be constructed, whether macadam, chert, or gravel, or

part of one and part of another; and, if after said time and portions of said roads has not not been bid for, the commissioners may proceed to build, or have built, such portions, and in such manner as, in their judgment, seems best and proper; and if any such bidder whose offer to build any road or part of road is in the judgment of said commissioners, wholly unreasonable and too high, they may reject said bid and proceed to build said road or roads, or part or road, as they may deem proper, contracting with persons from any place out of the county or by constructing according to their best judgment; provided, that no commissioner under the provisions of this act, shall become a contractor to construct any road or part of road, or be directly or indirectly interested in any contract for construction.

Section 7. That all contractors within thirty days after acceptance of their respective contracts, shall proceed to fulfillment thereof, and shall be required to perform the same to completion within the time to be determined by the commissioners and specified in the contract: provided, the commissioners may, in their discretion, extend the time of fulfillment two months to any and all contractors.

Section 8. That the commissioners appointed under this act shall be known as president and associate commissioners, and shall be entitled to compensation as follows: The president shall receive four dollars, and each associate three dollars per diem for time actually engaged in their said work in whatsoever manner; and the president shall become custodian of the moneys arising as provided for hereinafter in this act, shall pay any and all contracts made by said board, and for all moneys coming into his hands shall receive one-eighth of one per cent. for handling and responsibility of same; and said president shall be required to give good and sufficient bond in the sum of twenty-five thousand dollars, payable to Talladega county, and said bond to be conditioned as bonds of county treasurers are

Completion
of contracts.

Commission-
ers, how
known.

Salary of.

Duty of pres-
ident.

Bond of com-
missioners.

now required by law with respect to money coming into their possession; and said president, and other members of said commission shall each execute a bond payable to Talladega county in the sum of one thousand dollars, for the faithful performance of their duty. Said bonds mentioned in this section shall be approved by the judge of probate of said county; provided further said commissioners shall receive their compensation out of the money arising under the provisions of this act; and said president of said board of commissioners shall keep a record of all money coming into his hands, showing the amount paid to the associate commissioners, and the amount retained for himself, as such president, and all money disbursed by him (taking itemized vouchers for the same), and shall show all the business directed under the provisions of this act, and said record together with the vouchers shall be carefully kept in the office of the judge of probate, the vouchers to be kept separate and under lock and key and subject to inspection only in the presence of their custodian.

Meetings of
board.

Section 9. That after the qualification of said commissioners and the organization of said board it shall be the duty of said board to fix a time for regular meeting of the board, at least once in every three months, for the purpose of transacting such business as may come before said board necessary for the faithful discharge of their duty in carrying out the intention of this act and the president, or two of the associates may call such other meetings as may be deemed necessary for the transaction of such business as the exigencies of the case may require. That all vacancies in said board of commissioners shall be filled by appointment by the governor within thirty days after receiving a certificate of such vacancy signed by a member of said board.

Vacancies,
how filled.

Bridges, etc.

Section 10. That said road commissioners shall cause to be built all necessary bridges, culverts, ditches and drainways along the route of any and all roads built, constructed or changed

as provided in this act, with contractors building said roads or by separate contract with any person, to be paid for out of the funds arising under the provisions of this act; provided, that no bridge costing exceeding five hundred dollars, shall be built by said board except by and with the consent of the court of said county commissioners of said county.

Section 11. That in the event an election is ^{When act in} held in Talladega county under the provisions of ^{force.} an act entitled "An act, to authorize an election in the county of Talladega, Alabama, to determine whether or not bonds in the sum of two hundred and fifty thousand dollars, shall be issued by said county for the purpose of building macadam, chert, and gravel roads therein," adopted at the present session of the legislature of Alabama, and that said election a majority of the qualified electors of said county voting at said election shall vote in favor of the issuing of said bonds and it shall be so declared and certified as therein provided, then and in that event this act shall be in full force and effect, and the moneys arising from the issuance and sales of such bonds shall be from time to time placed in the custody of the president of the board of commissioners, provided for in this act, and expended for the purpose of carrying out the provisions of this act as herein provided.

Section 12. That whenever an election is held ^{Bonds, denomi-} in Talladega county authorizing the issue and ^{nation of, etc.} sale of two hundred and fifty thousand dollars of the bonds of said county for the purpose as provided for in this act, then in that event the court of county commissioners of Talladega county shall be, and is hereby authorized, empowered and required to issue bonds of said county to the amount of two hundred and fifty thousand dollars to provide for the payment of the construction and building of said macadam, chert, and gravel public roads, and the necessary bridges, culverts and drain-ways therefor. Said bonds to be five hundred in number and for five hundred

dollars each, the interest to be not more than five per cent per annum, payable semi-annually, and evidenced by coupons attached to the bonds. Said bonds and the coupons to be made negotiable and payable at some designated banking house in the city of Talladega, Birmingham, Alabama, or in the city of New York, State of New York. Said bonds shall be sold to the highest bidder, the minimum price being par value.

Bonds, numbered, date of expiration, etc.

Section 13. That said bonds shall be numbered from one to five hundred, consecutively, to be made payable at the expiration of thirty years from their date, or, at the pleasure of the said county of Talladega, at any time after twenty years from their date, each bond to be signed by the judge of probate court of Talladega county, and sealed with the official seal of said court and counter-signed by the treasurer of said county of Talladega. The coupons attached to each to bear the number of the bond to which it is attached, and payable at the place designated for the payment of said bond in the body thereof.

Issuance of bonds, etc.

Section 14. That said bonds shall only be issued from time to time, as the demand for the payment of the construction and building of said roads, bridges, culverts and drain-ways may require. Provided, further, that no greater sum of money than twenty-five thousand dollars, arising from the sale of said bonds shall be, by the commissioners' court of said county, placed in the hands of said custodian of the funds arising from such sale of bonds at any one time, and said custodian may receive said sum at any one time when he shall have shown to the court of county commissioners that he has disposed of the sum paid to him, and in like manner shall be entitled to receive said sum from time to time. The court of county commissioners of Talladega county, may employ a suitable agent to negotiate a sale of the bonds provided for by this act; and shall have the right and authority to sell the bonds in the manner herein provided, and for the said county of Talladega, the same to be signed and sealed

as herein by this act provided. The said board of road commissioners herein constituted shall make a full report to the court of county commissioners of said county, once every three months, and make settlement once every six months with said court, until said board of road commissioners have completed the work for which said board was constituted.

Section 15. That the court of county commissioners for Talladega county for the first twenty years after the date of said bonds, shall annually, out of the revenue of said county, set apart a sufficient amount to pay the annual interest and semi-annual interest accruing on said bonds, as the same falls due and payable, and they are further directed, at the expiration of twenty years from the date of said bonds, annually thereafter to set apart and apply the moneys so collected to the extent of not less than one sixth part thereof to the payment first of said interest and the surplus of said one-sixth to the payment of and retiring of said bonds.

Section 16. That said court of county commissioners are authorized to apply any surplus that may accumulate in the treasury of said county belonging to the general fund before said bonds mature to the purchase of said bonds or any part of them in open market and retire the same after making full record of such purchase and retirement.

Section 17. That the bonds issued under the provisions of this act shall be exempt from taxation by the county of Talladega; and the municipalities thereof.

Section 18. That nothing in this act contained shall be construed to in any manner amend or repeal the present road laws of Talladega county.

Approved July 31, 1907.

No. 530.)

AN ACT

(H. 1135.)

To repeal an "Act to provide for the establishing of a separate school district, to be known as the Oxmoor district, at Oxmoor, in Jefferson county, Alabama, with certain powers and privileges, of levying taxes to sustain said school," approved February 9, 1877. Be it enacted by the legislature of Alabama:

Act repealed.

Section 1. That an "Act to provide for the establishment of a separate school district, to be known as the Oxmoor district, at Oxmoor, in Jefferson county, Alabama, with certain powers and privileges of levying taxes to sustain said school district," approved February 9th, 1877, be and the same is hereby repealed.

Approved August 2, 1907.

No. 531.)

AN ACT

(H. 1160.)

To provide for guards for the Montgomery county jail and to fix the compensation for such guards.

Guards provided for.

Section 1. Be it enacted by the legislature of Alabama, That for the better protection of the Montgomery county jail and to prevent escapes therefrom, the sheriff of said county is authorized to summons two guards to be in attendance in said jail, at a compensation of seventyfive dollars (\$75.00-100) per month for each guard. The compensation for each guard shall be allowed by the board of revenue of said county to be paid out of the county treasury upon the affidavit of the sheriff, that such guards were summoned and attended.

Salary, etc.

Repeal.

Section 2. That all laws and parts of laws in conflict with section one of this act so far as the same applies to the county of Montgomery be and the same are hereby repealed.

Approved August 2, 1907.

No. 532.)

AN ACT

(H. 861.

To authorize and empower the board of mayor and aldermen of the city of Bridgeport, Jackson county, Alabama, to release manufacturing establishments within said city from the payment of city taxes.

Section 1. Be it enacted by the legislature of Alabama, That the board of mayor and aldermen of the city of Bridgeport, in Jackson county, Alabama, be and the same hereby is authorized and empowered to release manufacturing establishments within said city from the payment of city taxes. Authority to release from city taxation.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby expressly repealed. Repeal.

Approved Aug. 2nd, 1907.

No. 535.)

AN ACT

(H. 1002.

To amend section 4 of an act entitled, "An act to incorporate the town of Somerville in Morgan county, Alabama," approved February 3rd, 1872. Be it enacted by the legislature of Alabama, That section 4 of an act entitled "An act to incorporate the town of Somerville in Morgan county, Alabama," be amended so as to read as follows:

Section 4. That on the first Monday in September, 1907, and every two years thereafter, an election by ballot for the election of a mayor and four councilmen shall be held at some public place in said town. That the managers thereof shall make and preserve a certificate showing the number of legal votes of different offices and what person received the highest number of legal votes for mayor and the four persons receiving the highest number of legal votes for councilmen. Election for mayor and councilmen.

of said town. In case of a tie, either for mayor or councilmen, the mayor and councilmen of such town or such of them as are not interested shall determine of the two who shall be mayor or councilmen as the case may be. All elections for mayor and councilmen under this act shall be by ballot and no person shall be elected to office under this act unless he be a qualified voter of said town. The election provided for the first Monday of September, 1907, shall be held by P. A. Guyer, M. T. Swift and J. P. Morrow as judges, in case of a failure of any of said judges to act those present may appoint others to fill their places, and said judges shall appoint two clerks to assist in holding said election. All subsequent elections shall be held by two of the councilmen to be appointed by the board, said two councilmen to appoint three persons and two clerks to assist in holding said election. Said election shall be otherwise held as prescribed by the general elections laws of Alabama, and the mayor and councilmen so elected on the first Monday of September, 1907, and every two years thereafter, shall after having been duly qualified hold office for the term of two years and until their successors are elected and qualified.

Approved Aug. 2, 1907.

No. 536.)

AN ACT

(H. 1063.

To amend section 11 of an act "To regulate the trials of misdemeanors in Sumter county," approved December 8th, 1882.

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section 11 of an act to regulate the trials of misdemeanors in Sumter county, Alabama, approved December 8th, 1882, be and the same is hereby amended so as to read as follows, to-wit: Section 11. Be it further enacted,

That the solicitor of the circuit court in which said county of Sumter is or may hereafter be, shall be the prosecuting officer before said county court, and all laws applying to the duties as such officer in the circuit court shall apply to said county court and that his fees in said county court shall be the same as in the circuit court provided that the said circuit solicitor may appoint a permanent deputy solicitor, who shall be governed by the same laws applicable to circuit solicitors and require the same fees and commissions, and may collect and retain for his services the fees and commissions earned by him in the county court during the year, not to exceed seven hundred and fifty dollars per annum, the rest of said fees and commissions so earned and collected shall be paid into the county treasury as now provided by law.

Circuit solicitor to prosecute.

Deputy solicitor.

Fees.

Section 2. That the said deputy solicitor shall not defend any criminal cases in said county of Sumter.

Deputy not to defend criminal case.

Section 3. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Repeal.

Section 4. That this act shall take effect immediately upon its passage.

Effect.

Approved Aug. 2, 1907.

No. 537.)

AN ACT

(H. 1061.

To authorize the court of county commissioners of Sumter county to use any money in the county treasury not otherwise appropriated for the purpose of employing detectives or secret service men to ferret out and detect violations of the prohibition laws of said county.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Sumter county is hereby authorized and

Authority to
use money.

empowered to use any money in the county treasury of said county not otherwise appropriated for the purpose of employing detectives or secret service men to ferret out and detect violations of the prohibition law of said county.

Repeal.

Section 2. That all laws and parts of laws in conflict with this act be and the same is hereby repealed.

Approved August 2nd, 1907.

No. 538.

AN ACT

(H. 1268.)

To allow the sheriff of Bullock county, Alabama, for fees for attendance upon the trial of any habeas corpus case before any judge or court, and to authorize the commissioners' court of said county to pay the same out of the general fund of the county treasury.

Compensation
for attend-
ance in ha-
beas corpus
case.

Section 1. Be it enacted by the legislature of Alabama, That the sheriff be and he is hereby allowed, to be paid by the commissioners' court of said county out of the county treasury the sum of \$2.00 per day for attendance either in person or by deputy, upon any court upon the trial of any habeas corpus case.

Commission-
ers to pay
same.

Section 2. That the commissioners' court of Bullock county, Alabama, be and they are hereby authorized to pay to the sheriff of said county all such fees out of the general funds of the county treasury.

Approved August 2nd, 1907.

No. 539.)

AN ACT

H. 1256.

For the improvement of the public roads of Lowndes county. Be it enacted by the Legislature of Alabama:

1st. There is hereby created the office of supervisor of roads of Lowndes county, and such officer, when elected in the manner hereinafter prescribed shall receive an annual salary of \$1,500, in equal monthly installments, to be paid out of the fund hereinafter provided for.

2nd. A special election is hereby ordered to be held in the county of Lowndes, on the second Monday in November, 1907, for the election of a supervisor of roads of Lowndes county; such election shall be advertised, conducted, and the returns counted in the same manner as is prescribed by law for conducting general elections; any person who was qualified to vote in the general election 1906, shall be qualified to vote in such election. The person so elected as supervisor shall qualify and enter immediately upon the duties of his office, and shall serve as such supervisor until his successor is elected and qualified. Such officer shall give bond in the sum of \$5,000.00 payable to the county of Lowndes, with sureties to be approved by the judge of probate, and conditioned to perform faithfully his duties as such officer.

3rd. At the general election to be held in the year 1908, and at each general election every four years thereafter, there shall be elected by the qualified voters of Lowndes county, in the same manner that other county officers are elected a supervisor of roads of Lowndes county, who shall give bond as above mentioned, and serve for four years or until his successor is elected and qualified.

4th. It shall be the duty of such supervisor

- (a) To inspect every portion of every public road in Lowndes county as often as practicable.
- (b) To interview each overseer of public roads in the county, as often as practicable and to supervise, instruct and assist such overseers in the performance of their duties.
- (c) To direct each overseer, whenever practicable, as to the best method of working that portion of road under his care.
- (d) To exercise a general supervision over

the erection of bridges, causeways or portions of road that may be contracted for by the board of revenue, or constructed by agents or employees of such board. (e) To see that all provisions of the law concerning public highways are carried out and enforced to report to the board of revenue, all overseers and apportioners who do not faithfully perform their duties, and to prosecute for all such violations of law. (f) To make a detailed written report of his acts and doings, at each regular quarterly meeting of the board of revenue, covering the period since his last report, and to make such suggestions and recommendations as he may think proper. (g) To observe and carry out all instructions and orders of the board.

Salary of overseers.

5th. Each overseer of public roads in Lowndes county shall receive the sum of two dollars for each day that he is actually engaged in working the portion of road under his care, or in carrying out the instructions of the supervisor of roads, to be paid out of the fund hereinafter provided for, provided that no overseer is to receive more than twenty-five dollars during any calendar year, and provided further that nothing shall be paid to any overseer by virtue of the provisions of this act until his account for such services shall have been approved in writing by the supervisor of roads, and the supervisor shall not approve any such account unless the overseer's work has been done in a satisfactory manner.

Duty of overseers.

6th. It shall be the duty of each overseer of roads in Lowndes county, to carry out the instructions of this supervisor of roads and to render all possible assistance to the supervisor in all things pertaining to the improvement of the public roads.

Disposition of balance remaining after salaries paid.

7th. Any portion of the fund hereinafter provided for remaining after the payment of the supervisor and the overseers, shall be expended by the board of revenue, for the improvement of the public roads of the county in any manner that may be deemed best.

8th. An annual tax of twenty-five cents on each hundred dollars worth of property in Lowndes county, assessed for taxation, and subject to taxation under the general laws of the State, is hereby levied, to be assessed and collected in the same manner as other taxes for county purposes are assessed and collected; the tax collector of Lowndes county shall include such tax of twenty-five cents on the hundred dollars, in the taxes collected by him for the year of 1907, the proceeds of such tax shall be paid over by the tax collector to the county treasurer of Lowndes county, who shall set the same apart as a special fund known as the public highway fund; the treasurer shall pay out such fund, for the purposes prescribed by this act, upon warrant of the board of revenue, in the same manner as the county funds are paid out.

9th. This act shall not be construed to repeal any portion of the general laws of the State relative to public roads and highways, so far as the same may now be in force in Lowndes county.

Approved August 2nd, 1907.

No. 541.)

AN ACT

(H. 1064.)

To vacate and annul the dedication of the following highways and parts of highways, situated in Smithfield, Jefferson county, Alabama, according to the plan and survey of Smithfield by Dr. Joseph R. Smith, Sr., to-wit all that part of Thomas Street lying between Valley Creek Canal and Sally Avenue. All of Joseph Street lying between Valley Creek Canal and Irene Avenue. All of Mortimer Street lying between Valley Creek Canal and Agnes Avenue. All of Agnes Avenue lying between Valley Creek Canal and Mortimer Street. Be it enacted by the Legislature of Alabama,

Certain high-
ways vacated.

That the dedication of the following highways and parts of highways situated in Smithfield, Jefferson county, Alabama, according to the plan and survey of Smithfield by Dr. Joseph R. Smith, Sr., be and the same are hereby vacated and annulled; said highways and parts of highways being described as follows: All that part of Thomas Street lying between Valley Creek Canal and Sally Avenue. All of Joseph Street lying between Valley Creek Canal and Irene Avenue. All of Mortimer street lying between Valley Creek Canal and Agnes Avenue.

Approved August 3, 1907.

No. 542.)

AN ACT

(H. 1055.)

For the relief of C. D. Horn; to authorize the court of county commissioners of Sumter county to issue a new warrant in favor of said C. D. Horn in lieu of warrant No. 12216 which was barred before being presented for payment.

Relief of C. D.
Horn.

Be it enacted by the Legislature of Alabama, That the court of county commissioners of Sumter county be and are hereby authorized and empowered to pay to C. D. Horn, who is the holder of warrant No. 12216 on the county treasurer of said Sumter county, which said warrant was barred by the statute of limitations before the same was ever presented to the said treasurer for payment, the sum of \$75.00 for which the said warrant was originally drawn. Said payment to be made out of any money in the county treasury not otherwise appropriated. And the county treasurer of said Sumter county shall be and he hereby is authorized and empowered to pay said amount to said C. D. Horn on presentation of a proper warrant, from the said court of county commissioners.

Approved August 2nd, 1907.

No. 543.)

AN ACT

(H. 1001.

To amend section 1 of an act entitled "An act to establish a new charter for the town of Hartselle in Morgan county," approved February 18th, 1899. Be it enacted by the Legislature of Alabama: That section 1 of an act entitled, "An act to establish a new charter for the town of Hartselle in Morgan county," approved February 18th, 1899, be amended so as to read as follows:

Section 1. Be it enacted by the Legislature of Alabama: That the town of Hartselle be, and the same is hereby incorporated, and the corporate limits of said town shall embrace and include all of the territory within the northwest quarter (N. W. 1-4) of section fourteen (14), the south-west quarter (S. W. 1-4) of section eleven (11), the south-east fourth (S. E. 1-4) of section ten (10), and the northeast quarter (N. E. 1-4) of section fifteen (15), all in township seven (7), range four (4) west in Morgan county, Alabama.

Approved August 2nd, 1907.

No. 544.)

AN ACT

(H. 973.

To amend section two (2) of an act entitled an act to amend an act entitled an act to create the office of revenue constable for Mobile county, and to prescribe his duties approved Feb. 24th, 1887.

Section 1. Be it enacted by the Legislature of Alabama, that section two (2) of an act entitled an act to amend an act entitled an act to create the office of revenue constable for Mobile county, and to prescribe his duties approved Feb. 24, 1887," be and the same is here amended so as to read as follows:

Term of office. Section 2. That the said officer shall hold office for the term of four years from the date of his election and until his successor shall be elected and qualified, but he may be removed for cause, at any time, by a majority vote of the members of the two above named boards in joint session. The said officer shall be paid for his services one hundred and twenty-five dollars, per month out of the treasury of Mobile county and the common school fund of Mobile county in such proportion as the two boards in joint session may determine upon.

Salary of.

Approved August 2, 1907.

No. 545.) AN ACT (H. 999.)

To repeal an act entitled an act to authorize and empower The Decatur Land Co., a corporation, to list certain of its lands to the tax assessor of Morgan county in acreage approved December 13th, 1900.

Act repealed. Section 1. Be it enacted by the Legislature of the State of Alabama, That an act to authorize and empower The Decatur Land Co., a corporation, to list certain of its lands to The Tax Assessor of Morgan county in acreage, approved December 13, 1900, be and the same is hereby repealed.

Approved August 2, 1907 .

No. 548.) AN ACT (H. 1126.)

To amend section 28 of an act entitled "An act to establish the city court of Bessemer" approved February 28th, 1901. Be it enacted by the Legislature of Alabama, as follows:

Section 1. That section 28 of an act to estab-

lish the city court of Bessemer approved February 28th, 1901, be and the same is hereby amended so as to read as follows: Section 28. Be it further enacted, that the solicitor of Jefferson county shall immediately after the passage and approval of this act, or as soon thereafter as practicable, and from time to time appoint a solicitor for said court, who shall hold his office at the pleasure of said solicitor of Jefferson county until his successor is appointed and qualified, the said solicitor so appointed shall be charged with the performance of the same duties in said city court and subject to the same duties in said city court and subject to the same liabilities and penalties in respect thereto, as are imposed by law upon circuit solicitors in like cases in the circuit courts of the State. The said solicitor shall be a duly licensed lawyer at the time of his appointment and during his continuance in office, shall reside in the territory over which said court has jurisdiction, and shall at the time of his appointment, have been a resident of said territory for twelve months next preceding the time of his appointment. That the solicitor of said court shall not be required to attend upon any other court in Jefferson county. The said solicitor shall be paid a salary of two thousand dollars per annum and the same shall be payable monthly out of the treasury of the county of Jefferson, from what is known as the solicitors fund of said county upon the order of said solicitor; and there shall be taxed up in all cases where convictions occur the same solicitors fees that are now or may hereafter be required to be taxed as such fees, in the circuit or criminal court of Jefferson county, and the same shall be collected by the clerk and register of said court, and paid into the solicitors fund in the treasury of said county; that in case the solicitor of Jefferson county should fail or refuse to appoint a solicitor for said court as hereinbefore provided, the judge of said court shall appoint a solicitor protem, subject to the same terms and conditions as herein provided.

Act amended.

Appointment
of solicitor.

Term of.

Duties.

Qualifica-
tions.

Salary.

Solicitor's fee
taxed.

Repeal.

Effect as to
salary of so-
licitor.

Section 2. That all laws and parts of laws general or special in conflict with the provisions of this act, be and the same are hereby repealed, provided that the provisions of this bill as to increase in salary of said solicitor shall not be effective until the expiration of the term of office of the present solicitor of said court.

Approved August 2, 1907.

No. 549.)

AN ACT

(H. 1050.

To prescribe the duties, fix the fees and commissions of the deputy solicitor of Escambia county, Alabama, and make disposition of the residue of the fees and commissions earned by such solicitor. Be it enacted by the Legislature of Alabama.

Duties.

Section 1. That it shall be the duty of the deputy solicitor of Escambia county, Alabama, to represent the State in the county court of said county and to prosecute all persons charged with offenses before said court; to aid and assist the circuit solicitor in all prosecutions in the circuit court of said county and he may also represent the State in habeas corpus proceedings and in trials for commitment, where the defendant is charged with a felony. He may also attend all grand juries organized in said county, advise them in relation to matters of law, swear and examine witnesses, before them and draw all indictments found by them.

Salary.

Section 2. That such deputy solicitor of Escambia county, may collect and retain for his services the fees and commissions earned by him in the county court of Escambia county during the year, not to exceed the sum of seven hundred and fifty (\$750) dollars per annum.

Disposition of
fees remain-
ing.

Section 3. That the residue of all fees and commissions above the amount mentioned in section two of this act must be paid into the county

treasury and be placed to the credit of the fine and forfeiture fund of said county.

Approved August 2nd, 1907.

No. 551.)

AN ACT

(H. 1221.

To prohibit the running or operating of billiard or pool tables for the use of which money or other thing of value is charged, within the the county of Madison, except within the corporate limits of the incorporated towns or cities thereof.

Section 1. Be it enacted by the Legislature of Alabama, it shall be unlawful to run or operate any billiard or pool table, for the use of which money or other thing of value is charged, within the county of Madison, except within the corporate limits of the incorporated towns or cities thereof. Pool tables, etc., prohibited except in incorporated towns.

Section 2. Any person violating the provisions hereof is guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five (\$25.00) dollars, nor more than two hundred ((\$200.00) dollars, or may be sentenced to hard labor for the county for not more than six months. Penalty for violation.

Section 3. All laws and parts of laws in conflict therewith are repealed. Repeal.

Approved August 2, 1907.

No. 554.)

AN ACT

(H. 1040.

For the relief of T. P. Southerland, treasurer of Winston county. Whereas the circuit court of Winston county was held in March, 1907, at a time not authorized by law, and whereas the clerk of said court issued certificates of attendance to the grand and petit jurors at-

tending said term, which certificates were duly presented and in good faith paid by the treasurer of said county and whereas the authority of said treasurer to pay said certificates is questioned; Now therefore be it enacted by the Legislature of Alabama, as follows:

Relief of T. P. Southerland. Section 1. That T. P. Southerland, treasurer of Winston county, be and he is hereby released from all liability arising or existing by reason of the payment by him from the funds of said county, any and all certificates issued by the clerk of the circuit court of said county to grand and petit jurors attending a term of the circuit court in March, 1907.

Payment of Juries ratified. Section 2. That the payment by T. P. Southerland, treasurer of Winston county, of grand and petit jurors thereof, attending a term held or attempted to be held in March, 1907, is in all things ratified and confirmed.

Certificates issued made legal. Section 3. That all certificates issued by the clerk of the circuit court to witnesses, and all certificates issued by the foreman of the grand jury to witnesses are hereby made legal and valid and are authorized to be paid.

Approved August 2nd, 1907.

No. 555.)

AN ACT

(H. 890.)

To further prescribe the official duties of the deputy solicitor of Bibb county, Alabama. Be it enacted by the Legislature of Alabama:

Deputy solicitor to attend grand jury sessions. Section 1. From and after the passage and approval of this act it shall be the duty of the deputy solicitor, or county solicitor of Bibb county, Alabama, whenever requested or directed to do so by the Judge of the circuit court for said county, to be present at the session of the grand jury of Bibb county, Alabama, and to perform all the du-

ties before such grand jury as are now required by law of the circuit solicitor.

Section 2. That all the acts of such deputy so-Acts made
licitor or county solicitor including the signing valid.
of indictments, when with the grand juries of
Bibb county Alabama, shall be as valid as if per-
formed by the circuit solicitor.

Approved August 2nd, 1907.

No. 559.)

AN ACT

(H. 914.

To vacate and annul those parts of avenues nine
and ten west, south of ninth street, and those
parts of tenth, eleventh and twelfth streets,
west of eighth avenue west, in the city of
Cullman, Alabama.

Section 1. Be it enacted by the Legislature of Certain ave-
Alabama, That those parts of tenth, eleventh and nues and
twelfth streets west of eighth avenue west in the streets va-
city of Cullman, Alabama, be and the same are cated.
hereby annulled, vacated and abolished as public
streets or public highways and the same shall
forever cease to be public streets or highways, and
the dedication thereof as such is thereby extin-
guished and annulled.

Section 2. That nothing herein contained shall Effect of act
have the effect to deprive any person or corpora-
tion of any right of compensation under the con-
stitution and laws of the State of Alabama, for
property taken, injured or destroyed.

Approved August 2, 1907.

No. 560.)

AN ACT

H. 866.

To extend and change the corporate limits of the
town of Carrollton, in Pickens county, Ala-
bama.

Corporate limits extended.

Section 1. Be it enacted by the Legislature of the State of Alabama, That the corporate limits of the town of Carrollton, Pickens county, Alabama, be and the same are hereby extended and changed so that said corporate limits shall be six hundred and sixty yards equidistant north, east, south, and west from the center of the court house in said town.

Repeal.

Section 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved August 2nd, 1907.

No. 561.)

AN ACT

(H. 1051.

To provide for the payment by the county of Escambia of all accounts for postage used by certain officers of said county. Be it enacted by the Legislature of Alabama.

Payment for postage.

Section 1. That from and after the passage of this act all postage used by the probate judge, circuit clerk, register in chancery, sheriff, county superintendent of education, county treasurer, tax assessor, and tax collector of Escambia county, Alabama, in their official correspondence shall be paid for out of the treasury of said county, the accounts for which shall be audited and allowed as are other claims against said county.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved August 2nd, 1907.

No. 563.)

AN ACT

(H. 933.

To vacate and annul as public streets or highways that portion of First street, in the town of North Birmingham, Alabama, beginning fif-

ty feet south of Seventh alley, and running thence south to the Southern Railway right of way, and that portion of Second street in the town of North Birmingham, Alabama, running from the south line of Seventh alley, south to the north line of Eighth alley, both according to the map of the North Birmingham Land Company; and to annul and extinguish the dedication thereof.

Section 1. Be it enacted by the Legislature of Alabama, That that part of First street, in the town of North Birmingham, Alabama, beginning fifty (50) feet south of Seventh alley, and running thence south to the Southern Railway right of way, and that part of Second street, in the town of North Birmingham, Alabama, running from the south line of Seventh alley, south to the north line of Eighth alley, as shown on the map of the North Birmingham Land Company, being in Jefferson county, Alabama, be and the same are hereby annulled, vacated, and abolished as streets or public highways, and the same shall forever cease to be public streets or highways, and the dedication of the same as such is hereby extinguished and annulled.

Approved August 2nd, 1907.

No. 564.)

AN ACT

(H. 898.

To prohibit the sale of wine in the city of Thorsby, Alabama, in quantities less than one gallon, to prohibit the drinking of wine on the premises where sold, or in a room adjoining the premises where sold, and to provide that any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars and costs for each offense; and repealing all laws

and parts of laws in conflict with this act.
Be it enacted by the Legislature of Alabama.

Sale in cer-
tain quanti-
ties pro-
hibited.

1st. That it shall be unlawful for any person, firm or corporation, to sell wine in the city of Thorsby, Alabama, in quantities of less than one gallon.

Drinking
where sold
unlawful.

2. That it shall be unlawful for any person to drink wine on the premises where wine is sold, or in a room adjoining the premises where wine is sold, in the city of Thorsby, Alabama.

Unlawful to
permit drink-
ing.

3. That it shall be unlawful for any person, firm or corporation owning or controlling any premises where wine is sold, or any room adjoining any premises where wine is sold in the city of Thorsby, Alabama, to permit the drinking of wine on such premises or in such room.

Penalty for
violation.

4. That any person, firm or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars and costs for each offense.

Repeal.

5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved August 2nd, 1907.

No. 565.)

AN ACT

H. 1098.

To provide for closing and discontinuing the dispensary operated under an act to establish a dispensary in the town of Clanton, county of Chilton, State of Alabama, and to provide for the conduct and regulation of the same approved March 2, 1907.

Dispensary
discontinued.

Section 1. Be it enacted by the Legislature of Alabama, That the dispensary now being operated in the town of Clanton county of Chilton and State of Alabama, under the provisions of an act establishing said dispensary approved March 2, 1907, be and is hereby discontinued

ninety days after the approval of this act, and it shall be unlawful for any person, firm or corporation to operate the same after ninety days after the approval of this act.

Section 2. That said dispensary shall be closed so far as doing business is concerned ninety days after this act shall be approved but the mayor and council of Clanton shall within thirty days after said ninety days, dispose of all goods wares and merchandise then on hand in said dispensary, either at public or private sale as a whole; and shall out of the proceeds of said sale pay any indebtedness owing by said dispensary and any balance of money on hand derived from said dispensary shall be disposed of by paying one-half thereof into the treasury of the town of Clanton and the other half thereof to the treasurer or into the treasury of Chilton county, Alabama, to be used as a special fund for school purposes by said town and county.

Section 3. That any person who shall operate or attempt to operate said dispensary after ninety days after the approval of this act shall be guilty of a misdemeanor and, upon conviction shall be fined not less than one hundred nor more than five hundred dollars.

Approved August 2, 1907.

No. 566.)

AN ACT

(H. 1043.

To repeal section two and three of an act "entitled an act to repeal an act to increase the number of grand and petit jurors in Winston county, and to provide and designate the number of petit jurors drawn in said county," approved Dec. 10, 1886. Be it enacted by the Legislature of Alabama, That sections two and three of an act of the general assembly approved December 10, 1886, which said sections are in words as follows:

Petit juries;
summoning of.

Section 2. Be it enacted by the general assembly of Alabama, That it shall be the duty of the officers whose duty it is by law to draw and summons jurors in and for said county of Winston, to draw and summons at the time and in the manner prescribed by law, twelve competent persons, possessing the qualifications prescribed by law, to serve as petit jurors at each term of the circuit court held in said county, according to the rules prescribed by the general statutes in this State.

Failure to attend.

Completion of jury.

Section 3. That if any such persons so summoned shall fail to attend, that it shall be the duty of the court to complete the said jury as provided by law, be and the same is hereby repealed.

Approved August 2, 1907.

No. 570.)

AN ACT

(H. 904.)

To prohibit and punish the selling, bartering, or exchanging of spirituous, vinous, or malt liquors or intoxicating drinks in the county of Colbert, after the first day of August, 1907, except in dispensaries located in the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee in said county and to allow the sale of grape wine under certain conditions.

Sale, etc.,
prohibited except in dispensaries.

Exceptions.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful to sell, barter or exchange spirituous, vinous or malt liquors or intoxicating drinks in the county of Colbert, after the first day of August, 1907, except in dispensaries located in the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee. Nothing in this act, however, shall prevent the sale on their own premises of grape wine, manufactured from pure grape juice, in quantities not less than a quart, by persons who have

manufactured the same from grapes grown on the premises of the seller where no part of the same is drunk on or about the premises.

Section 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than \$50.00 nor more than \$500.00 and shall be sentenced to hard labor for the county for not less than three months nor more than one year. Penalty for violation.

Approved August 2, 1907.

No. 572.) AN ACT (H. 1308.)

To amend Sections 1, 2, 6, 7, 9, 10, 11, 15, 24, 25, and 38 of an act entitled an act to amend an act entitled an act to better provide for establishing, working and maintaining the public roads and bridges in Walker county, Alabama, approved March 6th, 1903.

Section 1. Be it enacted by the legislature of Alabama, That section 1 of an act entitled an act to amend an act entitled an act to better provide for establishing, working and maintaining the public roads and bridges in Walker county, Alabama, approved March 6, 1903, be amended so as to read as follows: Section 1. That the commissioners court of Walker county shall in each year at the first regular meeting, set apart three-fifths of all special taxes levied and collected in the county other than special school taxes, which taxes when so set apart shall be used exclusively for aiding in the establishing, construction and maintaining of the public roads in said county. The funds so set apart to be kept separate from the other funds of the county by the county treasury, provided that for the purpose of repairing public bridges in the county, the commissioners court may appropriate an amount not exceeding \$2,000 per annum out of said funds for such purposes. And provided further that said com- Section 1 amended.
Roads construction, etc., of.

missioners court at said meeting shall apportion the said funds, together with all other monies collected for road purposes to the various precincts in such manner as they think proper, and shall file a copy of such order with the county treasurer.

Section 2
amended.

Section 2. That section 2 of said act be amended so as to read as follows: Section 2. That the amount so set apart together with all monies collected for road purposes, including all fines and penalties imposed and collected for violations of this act, shall be divided among several precincts of said county at the term of the commissioners court, to be held the second Monday of June of each year, according to the number of roads and importance of same; such fund when apportioned by the court of county commissioners shall be entered to the credit of the respective road precincts by the county treasurer in account to be kept by him for the purpose, provided, that all money collected in lieu of labor as hereinafter provided for shall be used and appropriated to the roads of the beat in which such money is paid or collected.

Road funds
divided.

Section 6
amended.

Section 3. That section 6 of said act be amended so as to read as follows: Section 6. The precinct supervisors, if there be such, shall receive as compensation \$25.00 per year, to be paid at the August term of the commissioners court; and may also be allowed such sum as the commissioners court may agree upon, not to exceed ten per cent of all collections of per capita tax and not more than five per cent of all disbursements made by him, provided that the commissioners court may pay such supervisor more, if necessary to obtain a suitable person.

Pay of super-
visors.

Section 7
amended.

Section 4. That section 7 of said act be amended so as to read as follows: Section 7. That all male persons in Walker county, over the age of eighteen years and under the age of forty-five years, shall be required to work the public roads six days in each year, provided that the labor may be committed by paying to the supervisors or

Persons liable.

other persons appointed by the commissioners court to collect the money, sum of \$3.00 on or before the first day of March of each year or by paying the sum of \$4.00 to such person any time after the first day of March of each year and within two days after being warned to work roads; provided further that any person who has lost an arm or leg and all persons who by nature or disease are rendered incapable of hard labor who shall procure a certificate of such incompetency from the county board of health are exempt from road duty, provided such road hand delivers such certificate to the road overseer or person under whom he is to work the road within two days after having been warned to work. ^{Commutation fee.}

Section 5. That section 9 of said act be amended so as to read as follows: Section 9. That each supervisor or other person appointed by the court of county commissioners to superintend the working of the public road in road precinct shall make settlement with the treasurer within ten days after the first day of each month for the amount of money collected by him during the preceding month. ^{Settlement of supervisors.}

Section 6. That section 10 of said act be amended so as to read as follows: Section 10. That each supervisor or person appointed to superintend the working of the public roads shall keep a correct record of all official business done by him, from whom such monies were collected and to whom and for what purpose the same has been paid out and shall make a report of the same to the court of county commissioners at any regular or special term of said court. At the September term of said court such person or persons shall present an itemized statement in writing duly verified, showing how the money apportioned to his or their precincts has been expended and the amount he then has on hand and the number and value of tools on hand; and an itemized statement or report of the condition of the roads in his precinct; a copy of said statement together with an itemized statement of all ^{Records kept by supervisors.}

per capita tax collected shall be posted by each supervisor at the polling place in the precinct subject to the inspection of the tax payers and the road hands of their respective precincts; all of such reports and statements shall be recorded by the probate judge in a book kept by him for that purpose.

Inspection of
roads.

Section 7. That section 11 of said act be amended so as to read as follows: Section 11. It shall be the duty of each precinct supervisor or other person appointed by the court of county commissioners to supervise the working, building or repairing of the public roads, in any precincts of the county, to personally superintend, supervise, direct and inspect the manner and method by which the public roads are worked and he shall appoint good and intelligent overseers in their respective precincts and shall furnish the names to the judge of probate the first day of March, and the judge of probate shall commission them, as now provided by law, and the said supervisors shall apportion to his overseers in his precinct all public roads to be worked, subdividing them so as to make them as near as possible taking into consideration the general condition of the roads and their importance to the public, and he shall apportion the hands in his precinct subject to road duty to the various overseers and deliver to each overseer a list of the hands apportioned to him for road service. Each supervisor shall report at the fall term of the grand jury the condition of the public roads in his precinct and the name of any overseer in his precinct whose road is in bad condition; that any supervisor who is appointed to superintend the working, building and repairing of the public road or to collect the per capita tax provided for herein, who shall neglect his duties or fail to carry out the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than \$10.00 nor more than \$100 and may also be imprisoned in the county jail

Appointment
of over-

or sentenced to hard labor for not more than six months.

Section 8. That section 15 of said act be amended so as to read as follows: Section 15. ^{Term of office and pay of overseers.} The overseers when appointed shall hold office for the period of two years and shall be paid the sum of 2.00 a day for each days work, provided, however, that road overseers shall work six days as other road hands unless such work has been committed by the payment of the amount as is required of other road hands; that any road overseer who neglected his duty or fails to perform the acts herein required of him shall be guilty of a misdemeanor and on conviction shall be fined not less than \$10.00 nor more than \$100.00 and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Section 9. That section 24 of said act be amended so as to read as follows: Section 24. ^{Time for working roads.} That all public roads in the county shall be worked prior to September 1st, of each year, and oftener if the roads at any time become washed or out of repair, and should the public road or roads get out of repair and need working it shall be the duty of the road overseer to repair the same immediately at the expense of the county, and for failure to do so he shall be guilty of a misdemeanor and be fined not less than \$10.00 nor more than \$100.00.

Section 10. That section 25, of said act be amended so as to read as follows: Section 25. ^{Amount paid for labor and teams.} That day labor shall be paid not more than \$1.50 per day; that single teams with drivers shall not be paid more than \$3.00 and double teams with drivers shall not be paid more than \$3.50 per day.

Section 11. That section 38 of this act be amended so as to read as follows: Section 38. ^{Power of commissioners court.} That the court of county commissioners shall have supervision and control over all persons engaged in working, building or repairing the public roads of Walker county and shall have full

Roads let by
contract.

power and authority to have any or all of the public roads worked in such manner as will in their judgment bring the best results and to that end may let out any of such roads to contractors, provided that when contracts are made for working roads the person or persons entering into such contract shall make and execute a good and sufficient bond, payable to Walker county, conditioned to work and build the road, according to the plans and specifications set out in such contract, and the persons contracting to do such work shall not be paid for the same until the road or roads so worked have been received and the work approved by the court of county commissioners. Such contractors shall have the same powers and authority over road hands as is given road overseers. It shall be optional with the court of county commissioners whether there shall be precinct supervisors or overseers in any road precinct in the county or whether the same shall be worked by day laborers or by contract and the court of county commissioners shall have authority to hire and employ some competent and experienced person to supervise and superintend the working, repairing, and building of all county roads in the county and such person if appointed shall have authority over all road supervisors, overseers, contractors and hands and they shall be subject to his direction and control while engaged in working the roads and if appointed he shall be paid such salary as the court of county commissioners may agree upon not to exceed \$100.00 per month.

Approved August 2, 1907.

No. 573.)

AN ACT

(H. 1316.

To vacate, abolish and annul as alleys, streets or public highways the following streets and alleys as shown and contained in the map of the property of the North Birmingham Land

Company, in Jefferson county, Alabama, to-wit: the alleys running east and west through the center of blocks numbered 214 and 234, and lying between the west line of 14th street and the east line of 15th street; also that portion of Sixth avenue lying along the north of said block 214 and south of what is known as the Jonesville road, as now located at said point; also that portion of Seventh avenue lying between the west line of 14th street and the east line of 15th street; also that portion of 8th avenue lying west of line of 14th street and south of block 234 and to annul and extinguish the dedication thereof.

Section 1. Be it enacted by the legislature of ^{Alleys and} Alabama, That the following alleys and streets ^{streets va-} as shown and contained in the map of the prop- ^{cated.} erty of the North Birmingham Land company in Jefferson county, Alabama, to-wit: the alleys running east and west through the center of blocks numbered 214 and 234 and lying between the west line of 14th street and the east line of 15th street; also that portion of Sixth avenue lying north of said block 214 and south of what is known as the Jonesville road, as now located at said point; also that portion of Seventh avenue lying between the west line of 14th street and the east line of 15th street; also all that portion of Eighth avenue lying west of the west line of 14th street and south of block 234, be and the same is hereby annulled, vacated and abolished as alleys, or streets or public highways, and the same shall forever cease to be public highways, alleys and streets and the dedication of same as such is hereby extinguished and annulled.

Approved August, 1907.

To amend section 9 of an act entitled an act to authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee in Colbert county, to establish and operate dispensaries in such incorporated cities and towns, for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit sale of such liquors in the said county, approved February 15th, 1907.

Section 9
amended.

Purchase of li-
quors.

Account kept.

Section 1. Be it enacted by the legislature of Alabama, That section 9 of an act entitled an act to authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee in Colbert county to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom and to further regulate or prohibit the sale of such liquors in said county, approved February 15th, 1907, be amended so as to read as follows: Section 9. All purchases for the use of said dispensaries shall be made by the dispenser, with the approval of each purchaser by the board of mayor and aldermen or other governing body of the city or towns where the dispensary is located, expressed in writing and said purchases shall be made for cash only and no sale shall be made by the dispenser except for cash. The dispenser and the governing body of the city or town shall keep an accurate account of all purchases made for the use of the dispensary and the dispenser shall keep an accurate account of each days sales, the amount sold each party, the selling price and the names of all parties to whom the sales were made. A copy of which last account shall be filed by the dispenser at the close of each day with the mayor or other executive officer of said

city or town and also mailed to the probate judge of the county of Colbert, which said accounts shall be public records, and shall be filed in substantial books provided for that purpose. Said dispenser shall also make to the legislative body of the town or city in which he is conducting a dispensary and to the probate judge weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business. He shall make other and additional reports oral or in writing, whenever and as often as the legislative body of his town or city may require. Subject to the provisions of this act such legislative body shall regulate and control the conduct and management of said business. On the 2nd Monday in February, May, August and November of each year, beginning with the 2nd Monday in February, 1908, said cities and towns doing business under this act shall pay to the court of county commissioners (40 per cent.) forty per cent. of the net profits of the several dispensaries after deducting all the expenses of operating the dispensaries. At said times, to-wit: the 2nd Monday in February, May, August and November of each year, beginning with the 2nd Monday in February, 1908, the several dispensaries shall file under oath, with the county commissioners a full, true and correct statement of all receipts and disbursements made by them for and on behalf of the dispensaries since his last settlement up to and including the Saturday prior to the date of settlement. The county commissioners shall during the term of court at which the money is received, pay into the county treasury all money received by them from the several dispensaries, taking the receipt of the treasurer for same which shall be filed in the office of the judge of probate and recorded in the minutes of the court of county commissioners. The treasurer of said county shall keep said amount separate and apart from all other funds

Reports.

Per cent of profits paid to County Commissioners.

How dis-
bursed.

and the same shall be and is hereby appropriated for the maintenance of the public schools of said county outside of the cities and towns where dispensaries are in operation, and for the improvement of the public roads of said county outside of incorporated cities and towns. Upon receiving said fund, the court of county commissioners shall, out of the same, first make ample provision for the maintenance of the public schools of said county, which amounts so appropriated for schools shall be paid to the county superintendent of education of said county and by him applied to the township and district schools in said county, in the same proportion as the public school fund of the State is now distributed, and to be paid by him to such of said township and district schools and in such proportion to the several schools as the trustees of said several township and district schools shall direct; and the trustees of the said township and district schools shall direct the expenditure of the same as they think best for the furtherance of the education of the children of their respective townships and districts so as to provide as nearly as practicable school terms of equal duration in such school districts or townships, provided that no part of said county fund shall be applied or appropriated to the schools of a city or a town where a dispensary is in operation, and provided that no part of said county fund shall be used or appropriated for any other than road and school purposes as aforesaid. After said public schools have been provided for as aforesaid, the remainder of said dispensary fund shall be appropriated by said board of county commissioners for the improvement, and construction of pikes and public roads in said county outside of incorporated cities and towns.

Approved August 2, 1907.

No. 575.)

AN ACT

(H. 1105.)

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, cordials or other intoxicating drinks, or beverages within four miles of Chappel Hill Missionary Baptist church, Cool Spring Missionary Baptist church and the Rutledge Methodist Episcopal Church South; provided, the incorporation limited of the Rutledge Methodist Episcopal Church South shall not extend further east than the corporate limits of the town of Luverne, all in Crenshaw county, Alabama, to provide the time when it shall be in force and to fix the punishment for the violation thereof.

Section 1. That on and after the approval of this act it shall be unlawful for any person, firm or corporation to sell, give away or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters, cordials or other intoxicating drinks or beverages within four miles of Chappel Hill Missionary Baptist Church, Cool Springs Missionary Baptist Church and the Rutledge Methodist Episcopal Church South; provided, that the incorporation limits of the Rutledge Methodist Episcopal Church South shall not extend further east than the corporate limits of the town of Luverne, all in Crenshaw county, Alabama.

Sale, etc., in certain territory prohibited.

Section 2. Any person, firm or corporation violating any of the provisions all this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined for each offense not less than twenty-five or more than one hundred dollars and may also be sentenced to hard labor for the county for not less than thirty days or more than six months; provided, that nothing herein contained shall be so construed as to prevent the use of wine in churches for communion purposes.

Penalty for violation.

Approved Aug. 21, 1907.

To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials or proprietary medicines or alcoholic drinks in Sumter county, Alabama; provided this act shall not prevent its use for religious or sacramental purposes; and to prohibit the shipping into said county by any common carrier, and the bringing into said county by any person for the use of any person other than himself any such spirituous, vinous or malt liquors, intoxicating bitters, intoxicating beverages, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving orders for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, intoxicating cordials, or alcoholic drinks or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks by any person in said county over any telegraph or telephone line, and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, intoxicating cordials, intoxicating proprietary medicines, or alcoholic drinks to any point within this State and to prohibit any person, firm or corporation in the State of Alabama, from shipping into Sumter county, from any point in said State, spirituous, vinous or malt liquors, intoxicating bitters, intoxicating beverages, intoxicating cordials, intoxicating proprietary

medicines or alcoholic drinks, and to provide penalties for all such prohibited acts, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, firm, or corporation, to sell, barter, exchange, give away, lend, deliver or otherwise dispose of any spirituous, vinous, or malt liquors, intoxicating beverages, intoxicating cordials, or intoxicating bitters, or intoxicating proprietary medicines, or alcoholic drinks in Sumter county, Alabama. Sale, etc., prohibited.

Section 2. That it shall be unlawful for any common carrier, person or corporation to ship, bring or carry into Sumter county, from any place or point within this State for the use of any other person than himself, herself or itself, any spirituous, vinous, or malt liquors, or intoxicating beverages, intoxicating bitters, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks. Unlawful to bring or ship into county.

Section 3. That it shall be unlawful for any person, firm, or corporation, to procure or obtain for any other person in said county, any spirituous, vinous, or malt liquors, intoxicating beverages, intoxicating bitters, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks. Unlawful to procure for another.

Section 4. That it shall be unlawful to take or solicit in Sumter county any order or orders for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, cordials or intoxicating proprietary medicines, or alcoholic drinks, or to carry within or from said county any such order or orders. Unlawful to take orders.

Section 5. That it shall be unlawful, for any person or corporation in said county to order, give or receive or transmit any order or orders to any point within this State for himself, or any other person, firm or corporation, over any telephone or telegraph line for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating cordials, intoxicat- Unlawful to give order over telegraph or telephone line.

Unlawful to
ship into.

ing proprietary medicines or alcoholic drinks to be sent or brought or shipped into Sumter county.

Penalty for
violating
sections 1, 2, 4,
5 and 6.

Section 6. That it shall be unlawful, for any person, firm or corporation in the State of Alabama, to ship into Sumter county from any point within the State of Alabama, any spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, intoxicating cordials, intoxicating proprietary medicines, or alcoholic drinks.

Penalty for
violating Sec.
3.

Section 7. That any person violating section one, two, four, five and six of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be imprisoned in the county jail or sentenced to hard labor for the county for not less than three months, nor more than twelve months, and shall also pay a fine of not less than fifty nor more than five hundred dollars.

Section 8. That any person violating section three of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months in the discretion of the court.

Invalidity of
section inoper-
ative as to act.

Section 9. That if any section, provision, or part of this act shall for any reason be held by any court of competent jurisdiction to be invalid, inoperative or void, the residue of this act shall not be invalidated or affected thereby.

Effect.

Repeal.

Section 10. That this act shall go into effect and become operative from and after the date of its approval, and all laws or parts of laws general or special in conflict with any provision of this act be and the same are hereby repealed.

Approved August 2, 1907.

No. 577.)

AN ACT

(H. 1155.)

To prevent and punish any person, firm and corporation residing in or doing business within any stock law district in Covington county enclosed by any fence or fences, from turning any stock prevented from running at large within such stock law district in or on any territory within said county where any such stock are prohibited by law from running at large in non-stock law district in said county; making the violating of such act a misdemeanor, and providing that the act take effect from and after its passage and approval by the governor.

Section 1. Be it enacted by the Legislature, That it shall be unlawful for any person, firm or corporation residing in or doing business within any stock law district in Covington county enclosed by any fence or fences, to turn or permit any stock which is now or hereafter prevented from running at large within any stock law district in said county, without any such stock law district or to permit any such stock to be turned at large from and without any such stock law district, and permit such stock to run at large in or on any portion of said county which is not now included in any such stock district in and for said county. Unlawful to permit stock to run at large.

Section 2. That any such person, firm or corporation, named in section one of this act, who violates the provisions thereof, shall be deemed guilty of a misdemeanor. Penalty.

That this act shall take effect from and after its passage and approval by the governor. Effect.

Approved August 2, 1907.

No. 578.)

AN ACT

(H. 1197.)

To provide for an election in Perry county, Alabama, to determine whether spirituous, vinous and malt liquors shall be sold in said county after January 1st, 1909, to provide for holding said election and for other purposes. Be it enacted by the legislature of Alabama :

Election, when ordered. Section 1. That the probate judge of Perry county, Alabama, shall order an election to be held in said county, within 30 days after the passage of this act, to determine whether or not spirituous, vinous and malt liquors shall be sold in said county after January 1st, 1909.

Managers, etc., for same. Section 2. That said probate judge shall appoint three managers and one returning officer for each precinct of said county, to conduct and make return of said election in each precinct wherein they are appointed, and said election officers shall be divided as nearly equally as possible between those who favor prohibition in said county, and those who favor the sale of intoxicating liquors in said county. In the event of a failure of any of said election officers to appear at the polling place for which they are appointed, the officer or officers who do appear shall appoint some one to take their places; all of said election officers shall be qualified electors of the precinct in which they serve.

Sheriff to notify officers. Section 3. The sheriff shall notify all officers of their appointment by the probate judge.

Ballots, etc., provided. Section 4. The probate judge shall provide the necessary ballots, not less than double the number of electors in each precinct, poll lists, tally sheets, return sheets, ballot boxes, booths, instructions for holding election, and all other necessary and proper stationery, etc., for holding said election, and the sheriff shall see that the same is delivered to the managers, in each precinct, before the day of election.

Section 5. The ballots used in said election shall have printed on them: "Against the Sale of Liquor," "For the Sale of Liquor." The person voting shall make a cross mark on said ballot before or after the phrase which indicates his choice of vote. Ballots, how printed.

Section 6. The managers shall open the polls at eight o'clock a. m., and shall close the same at five o'clock p. m., on the day of election, and immediately after closing the polls shall ascertain the result of the election at their respective voting places, and make due return of the same to said probate judge, and deliver the ballots, the ballot box containing the returns with the poll list, tally sheets and other necessary papers to the returning officer for such voting place, who shall deliver the same to said probate judge at his office on or before noon of the second day after said election. Polls, opening and closing of. Returns, etc., delivered.

Section 7. The probate judge shall in the presence of the circuit clerk and sheriff of said county, and within four days after said election, canvass the returns so made, and under oath, make a written report declaring the result of said election as to the entire county, showing the number of votes cast at each polling place both for and against the sale of said liquors, a copy of said report shall be printed in some newspaper published in said county, and the original shall be filed in the office of the probate judge. Canvass of returns.

Section 8. Except as otherwise provided herein, said election shall be held under the general election laws of the State of Alabama, the officers including the sheriff shall perform the same duties and receive the same pay as provided for under the general election law aforesaid, and all the costs and fees of said election shall be paid out of the county treasury. Election; how held.

Section 9. Any election officer who shall willfully fail or refuse to perform any of the duties required of him as such election officer either under the provisions of this act or under the general Penalty for failure of officers to perform duties.

eral election law of the State, shall be fined not less than fifty dollars and not more than two hundred dollars.

Persons entitled to vote.

Section 10. All persons who are qualified electors under the constitution and laws of the State of Alabama, at the time of said election shall be entitled to vote at said election.

Contest.

Section 11. Said election may be contested by any qualified elector, as provided by general election law of the State for the contest of an election for the office of probate judge, and the county shall be made the contestee and the solicitor of the fourth judicial circuit shall be required to respond to said contest.

Unlawful to sell if majority against sale.

Section 12. If a majority of the legal votes cast at said election shall be "Against the Sale of Liquor," then it shall not be lawful to sell spirituous, vinous and malt liquors within said county after January 1st, 1909.

Approved August 2nd, 1907.

No. 579.)

AN ACT

(H. 955.)

To amend an act entitled "An act to regulate the city court of Birmingham in the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power, and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof, and to provide suitable court rooms and places, dockets, stationery and other supplies for the holding of said court," approved February 26th, 1907.

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section three of an act entitled "An act to further regulate the city court of Birmingham, Ala., in the practice and procedure in said court, to provide judges thereof, their election, term of office, removal, power and salary, for the election, term of office, bond, remov-

al and duties of the clerk and register thereof; and to provide suitable court rooms, and places, dockets, stationery and other supplies for the holding of said court," approved February 26th, 1907, be and the same is hereby amended so that the said section three shall read as follows: Section 3. At the general election to be held in this State in the year 1910 and every six years thereafter the clerk and register of said city court of Birmingham shall be elected by the qualified electors of the county of Jefferson, whose term of office shall be six years and until his successor is elected and qualified. Such clerk and register may be removed from office for such causes and in such manner as is or may be hereafter provided by law for the removal of clerks of the circuit court or for any cause, which in the opinion of said judges or a majority of them may be sufficient for his removal; in the case of his removal the cause thereof must be specified in the order removing him. Before entering upon the discharge of the duties pertaining to his office, such clerk and register shall give bond with sureties, to be approved by the judge of probate, in a sum of not less than twenty thousand (20,000.00) dollars, to be fixed by said judges, which bond must be payable and be conditioned, filed and recorded as required by law as in case of bonds for clerks of the circuit court. Such clerk and register shall have all the powers and perform all the duties which may be now, or may hereafter be lawfully exercised or performed by the clerk of the circuit courts and registers in chancery in this State, including the power to issue attachments, and in all other extraordinary process. The fees of said clerk and register shall be the same as those now allowed or which may hereafter be allowed by law in like cases and for like services to clerks of the circuit courts and registers in chancery in this State; and he and the sureties on his official bond shall be subject where he is acting as clerk on the law side of said court, to the same liabilities and penalties

Election of
clerk and reg-
ister.

Term of office.

Removal.

Bond.

Powers, etc.

Fees.

Deputy clerk.

as the clerks of the circuit courts and their sureties are now or hereafter be subject by law, and when acting as register on the equity side of said court he and his sureties shall be subject to the same liabilities and penalties as registers in chancery and their sureties are now or may hereafter be subject by law; such liabilities and penalties to be enforced by the same remedies and in the same manner as the like liabilities and penalties of and against clerks of the circuit courts and registers in chancery in this State are now, or may hereafter be by law enforced. Such clerk and register shall reside during his continuance of office in the county of Jefferson. The clerk and register of said city court of Birmingham, may upon the approval of this act and from time to time as a vacancy may accrue, and for whose official acts he shall be responsible, appoint a special deputy clerk and register of said court, who shall have all the powers, and perform concurrently with the clerk and register of said city court of Birmingham all the duties now lawfully exercised by said clerk and register of said court in matters pertaining to chancery, which powers shall be exercised and duties performed in term time or vacation except such deputies shall have none of the powers and shall perform none of the duties of register in chancery in regard to receiving and paying out money or approving bonds. Compensation of such deputy shall be fixed and paid by the clerk and register of said court. The clerk and register shall be entitled to the same fees as he is allowed or may thereafter be allowed by law in like cases and for like services to registers in chancery for all duties performed by such deputy clerk and register. Said deputy clerk and register shall be subject to removal at any time by said clerk and register of said city court of Birmingham for or without cause. From and after the passage of this act the clerk and register and the deputy clerk and register of said court shall have power to exercise and perform on any day in term time or vacation, all the du-

ties and functions conferred upon them by law, and on any day in term time or vacation, either of them shall have the power to grant and enter decrees pro-con-fesso and any and all other decrees and orders which either of them may by law grant or enter.

Approved Aug. 7, 1907.

No. 583.)

AN ACT

(S. 592.

To amend section 1 of an act entitled an act to alter, re-arrange and extend the corporate limits of the city of Mobile, Alabama, approved March 2, 1907, Be it enacted by the legislature of Alabama, That section 1 of an act entitled "An act to alter, re-arrange and extend the corporate limits of the city of Mobile, Alabama," approved March 2, 1907, be amended so as to read as follows:

Section 1. That from and after the passage of this act, the corporate limits of the city of Mobile, Ala., shall be altered, re-arranged and extended as follows: Commencing at the north bank of Three Mile creek at its mouth, thence running east to the east bank of Spanish river, thence down the east bank of said river to the extreme southern point of the island, thence south to a point which will intersect the south boundary of township No. 4, thence west to a point where a north line will strike the Three Mile creek at the old portage, thence down the left bank of said Three Mile creek to the place of beginning.

Corporate limits of Mobile.

Approved August 2, 1907.

No. 584.)

AN ACT

(S. 527.

To provide for the payment of witnesses before the grand juries and State witnesses in all

criminal cases of the sheriff of the county of Montgomery and clerks of the city court of Montgomery and the county court in and for said county, in criminal cases where the State fails to convict, out of the general fund of Montgomery county, and provide compensation for the clerk of the board of revenue for services required of him under this act.

Fees of witnesses, etc., paid out of general fund.

Section 1. Be it enacted by the legislature of Alabama, That after the passage of this act, witnesses before the grand juries and State witnesses in all criminal cases, and fees of the sheriff of the county of Montgomery, the clerks of the city court of Montgomery and the county court in and for said county, in criminal cases where the State fails to convict, shall be paid out of the general fund of said county as hereinafter provided. Provided that the witness fees shall be one dollar per day and five cents per mile under the provisions of this act.

Amount of witness fees.

Clerk to draw warrant.

Section 2. That it shall be the duty of the clerk of the board of revenue of said county, on presentation of certificates issued, after the passage of this act, to witnesses before grand juries and State witnesses in all criminal cases, as required by law, to draw his warrant on the county treasurer for the amount of such certificates. And it shall be the duty of the treasurer to pay the same out of the general fund of said county.

Statement filed by clerk and register.

Section 3. After the adjournment of the county court and the criminal division of the city court of Montgomery, the sheriff and clerks of said courts shall file with the board of revenue of said county a statement of all cases finally disposed of, where the State failed to convict, showing the items of cost due them, the name of the defendants and the charge against them. Said statement shall be sworn to by the officer making same. If the board finds the account correct they shall order a warrant drawn on the county treasurer for the amount of such account. And

it shall be the duty of the treasurer to pay the same out of the general fund of said county.

Section 4. The clerk of said board shall keep, ^{Separate} a separate warrant ledger in which he shall enter ^{ledger kept by} all warrants drawn on the county treasurer un- ^{clerk.} clerk. under the provisions of this act.

Section 5. The clerk of said board shall re- ^{Pay of clerk.} ceive the sum of three hundred dollars per annum, payable monthly, in addition to his regular salary, for services rendered by him under the provisions of this act.

Section 6. For the purpose of ascertaining the ^{Power to retax} amount of witness fees of the sheriff and clerks, ^{costs.} justly due by the county, the judges of the city court of Montgomery, and the county court in and for said county shall have the power and authority upon motion made in term time, to retax the cost in all cases.

Section 7. All amounts paid out by the county ^{Amounts paid} under the provisions of this act, shall be prior ^{by county} claims against the fine and forfeiture fund of ^{prior claims} said county. ^{against fine} and forfeiture ^{fund.} fund.

Section 8. All laws or parts of laws, general, special or local in conflict with the provisions of ^{Repeal.} this act, be and the same are hereby repealed.

Approved August 2, 1907.

No. 585.)

AN ACT

(S. 512.)

To confer equity jurisdiction upon the circuit courts in Walker and Winston counties; to prescribe the times of calling the equity dockets in the circuit court in said counties, and to provide a register for said courts.

Section 1. Be it enacted by the legislature of ^{Equity juris-} Alabama, That equity jurisdiction is hereby con- ^{diction con-}ferred upon the circuit court in the counties of ^{ferred.} Walker and Winston, and that the circuit court in said counties is hereby invested with all powers and jurisdiction of a court of chancery.

Rules of procedure, etc.

Section 2. That when exercising the jurisdiction and powers of a court of chancery or equity, the court shall conform to the rules of procedure and practice in the chancery courts of this State. Provided, that the presiding judge of said court shall have power to make and adopt such rules of practice as may be required by a proper system of practice for said court, which rules shall be entered of record upon the minutes of said court.

Call of dockets.

Section 3. That the chancery or equity dockets of the said circuit courts in said counties of Walker and Winston, shall be called by the presiding judge thereof, in each year, for said counties as follows: 1. In the county of Walker, at Jasper, on the 2nd Monday in March and September, of each year, and may continue one week. 2. In the county of Winston, at Double Springs, Thursday after the 3rd Monday in March and September, of each year and may continue for five days.

Chancery cases.

Section 4. That the chancery cases in the said circuit courts of Walker and Winston counties, may be heard and passed upon at any other time than the time mentioned, whenever the said circuit court is in session.

Register in chancery. Appointment of.

Section 5. The judge of the circuit court shall appoint a register for the equity side of the docket for which the judge appointing him was elected. Provided, that the present register in chancery for the chancery district composed of Walker and Winston counties shall remain in office until the expiration of his present term. The official bond, duties, liabilities, fees and commissions of the register of said court shall be the same as those of registers in chancery in this State and he shall be the custodian of all the books, records and papers pertaining to the equity side of said court. But the judge of said court shall appoint a register for the county of Winston at once after the approval of this act, the register in chancery for said district being the register of the circuit court for Walker coun-

Term of.

ty until his present term as register in chancery expires.

Section 6. That all laws and parts of laws Repeal. in conflict with this act are hereby repealed.

Approved August 2, 1907.

No. 587.)

AN ACT

(S. 495.

To create a board of education for the Huntsville school district of Madison county, Alabama, to provide for the election of their successors, to define the powers and duties of said board and to provide for the management, support and maintenanc of the public schools of said district.

Section 1. Be it enacted by the Legislature of Alabama, That a board of education consisting of five members who are and shall be resident citizens of Huntsville, Alabama, qualified electors and householders and freeholders, shall be established for the Huntsville school district in Madison county, Alabama, composed of Paul Speake, W. I. Wellman, Jackson Rand, R. E. Pettus and James H. Pride, and their successors in office; that said above named board shall have the power to select and elect their successors in office; that said board shall hold office until their successors are elected and qualified. Two members of said board of education shall hold office for two years, two others for four years and one other for six years, those whose terms so expire to be chosen by lot. Each person elected by said board to supply vacancies shall serve for four years or until his successor is elected and qualified; that said board of education shall serve without pay; that each of them shall, before he enters upon his duties as a member of said board of education take an oath that he will faithfully, to the best of his ability and in accordance with the law, discharge the duties

Board created.

Members named.

Term of office.

Powers of
board.

Separate
schools.

Enumeration.

Treasurer.

Power to take
and receive
subscriptions.

Supplemen-
tal fees.

devolving upon him as a member of said board during his term of office.

Section 2. That said board of education for said school district shall have exclusive power to elect teachers, to establish, regulate, control and conduct the public schools of the Huntsville district and shall be capable and liable in law and equity to sue and be sued, plead and be impleaded, and shall have power to make such by-laws, rules and regulations for the government of their own body and for the election and pay of teachers, the admission of pupils and the conduct and control of public schools in the said school district as they may deem necessary, not inconsistent with the constitution and laws of the State; but separate schools shall be maintained for the white and colored children, and all teachers employed shall have license from the State board of examiners. It shall be within the power of said board of education to say what grade certificate shall be required of the teachers in said school district. Said board shall cause all the children of school age in said district to be enumerated and reported biennially as district trustees are required to do, and said board shall have power to appoint a treasurer and fix his bond, and to appoint such other officers and agents as they may deem necessary to carry into effect the powers herein granted and to prescribe the duties and powers of such officers and agents.

Section 3. That the board of education for the Huntsville district shall have the power to take subscriptions and receive donations, rent and receive lands and buildings in said city for school purposes and to furnish such buildings and to keep them in repair.

Section 4. That the board of education shall have power, in the event that the mayor and aldermen of the city of Huntsville shall not sufficiently supplement the State funds in the hands of the board, to require the prepayment of a supplemental fee by each pupil not to exceed fifty

cents per month, to meet the expenses of said school; also to establish a high school for the teaching of the higher branches of education and to fix and collect such tuition fees in the high school as may be deemed necessary in the event that the mayor and aldermen of the city of Huntsville shall not sufficiently supplement the State fund in the hands of the board, in addition to the fees and income to be derived from other sources, to carry on said high school.

High school.

Section 5. That said board of education shall receive annually its proportionate share of the State and county educational funds coming to Madison county, and shall receive all taxes collected as poll tax within said district; and the corporate authorities of the city of Huntsville may appropriate annually out of the revenues of said city such sums as they may determine for the use and maintenance of the public schools in said district. All revenues of said district shall be paid to the treasurer of said board and shall be disbursed by him under the directions of said board, in the same manner that county superintendents of education draw and disburse school funds and the treasurer shall make such report as county superintendents of education are required to make and such as the said board of education may require.

State and county appropriation; poll tax.

Section 6. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved August 2nd, 1907.

No. 588.)

AN ACT

(S. 479.

To provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road

commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this act, and provide penalties for violations of its provisions.

Control of
roads and
streets.

Section 1. Be it enacted by the Legislature of Alabama, That the entire control, management and supervision of public roads in the county of Mobile, and of all streets within the city of Mobile, south of and including Virginia street, west of and including Catherine street, north of and including Davis avenue or Stone street, as far east as Marmatte street, and east of said street those streets and thoroughfares which lie north of One Mile Creek are hereby lodged and vested in the board of revenue and road commissioners of Mobile county and said board shall have full and complete authority to provide for the repair, maintenance and improvement of the same, and to that end may, in addition to the fund realized from the "road tax" herein provided for, set apart and appropriate such amount from the general fund collected under authority of the law, as said board may deem necessary to carry out the provisions of this act.

Authority of
board.

Supt. of roads,
election of.

Section 2. Said board shall, within ten days after the approval of this act, elect a superintendent of public roads for the term of four years, commencing on the date of his election, and his successor shall be elected and take office on the expiration of said term. Said superintendent may be required to give bond for the faithful performance of his duties in a sum not exceeding one thousand dollars (\$1,000.00) the premium thereon to be paid by the county; said bond to be approved by the probate judge of Mobile county. The salary of said superintendent shall be fixed by said board, but the same shall be not less than eighteen hundred dollars (\$1,800.00) per annum, payable monthly out of

Bond.

Salary.

the county treasury, which shall cover all compensation and expenses to which said superintendent shall be or become entitled to by virtue of his office.

Section 3. Said board must each year pre-Method of
scribe the method of carrying out its duties un-board as to
der this act, and may contract for any part duties.
of the work under its charge, hire labor to do
the work under such regulations as it may pre-
scribe, or provide for the employment of county
convicts on any part of the work under such
regulations as it may prescribe; but the method
of conducting the work in any one part of the
county shall not preclude the conduct of similar
work by different methods in other portions of
the county; all acts of said board, however, re-
lating to the method of doing any work, must be
by formal resolution spread on the minutes of
the board and no contract shall be let for more
than one hundred dollars (\$100.00) except by
calling for bids and awarding the same to the
lowest and best bidder. The superintendent of
public roads shall be directly responsible to said Supt. respon-
board for each and every road within the juris-sible.
diction of said board. He shall have power and Supt., power
authority to hire such number of laborers as may and duties of.
be provided by the board; to discharge the same;
to purchase all stock, machinery, tools and sup-
plies under bids submitted to and approved by
said board; the entire supervision and manage-
ment of the convict camps, the employment of all
guards therefor prescribed and approved by said
board, and said superintendent may be removed
from office for incompetency, misconduct or neg-
lect of duty at any time by said board. It shall
be the duty of the superintendent to make de-
tailed reports of the conduct of his office
to the said board, at least once in each
month, and oftener if required by said
board. It shall be the duty of said board to have
prepared and kept a map to be furnished by the Map show-
county, showing accurately all roads in said ing roads.
county and streets within the jurisdiction of said

board, upon which shall be noted from time to time the amount and character of work done, such map to be filed with said board and corrected at least twice each year; provided that said board shall make such map a record of its office. Said superintendent shall see that all contracts let by said board are faithfully performed, and report upon the same from time to time as directed by the board. He shall perform such other duties as may be required of him by said board and the provisions of this act.

Current road year.

Section 4. The current road year shall begin the first day of January of each year and end on December 31st.

Enumeration of those subject to road duty.

Section 5. At its first meeting in January of each year, said board shall appoint two persons in each election precinct in the county, whose duty it shall be to make a sworn impartial enumeration of the persons in the precinct subject to road duty. All resident male persons in each precinct shall be subject to road duty under the general law ten days in each year, except those who are exempt under the general law; provided, any person enumerated as subject to road duty shall be exempt, if he pay the road tax hereinafter levied for each current road year. The two persons herein mentioned shall be styled "precinct road enumerators" and their sworn enumeration shall be filed with said board. Said enumerators, for the performance of the services herein required, shall be exempt from road duty and road tax, for the current year; provided that if said road enumerators fail to furnish such sworn statement within thirty days after their appointment, or shall, through partiality or other cause, fail to list any person subject to road duty, they, and each of separately, shall be guilty of a misdemeanor, and forfeit their exemption from road duty.

Those subject to road duty.

Exemptions.

Penalty.

May pay road fee in cash.

Section 6. Any person who is liable to work on the public roads of said county, shall be exempt from all road duty, if he shall pay to any person appointed by said board to receive the

same, each road year between the first day of January and the last day of March, the sum of two dollars (\$2.00) for the benefit of the road fund of said county. Any person who fails to pay said sum of two dollars (\$2.00) prior to the last day of March, shall be exempt if he pay to any person appointed by said board to receive the same, the sum of two dollars (\$2.00) and the further sum of twenty-five cents (\$0.25) as a delinquent fee, prior to the time he is warned to work on the public roads of said county. Any person who fails to make such payment to a person appointed by said board to receive the same, after he is warned and before working on said public roads, shall be exempt from all road duty, if he shall pay to any person appointed by said board to receive the same, each road year, said sum of two dollars (\$2.00) and the further sum of fifty cents (\$0.50) delinquent fee.

Section 7. Said board may appoint a person or persons to receive from any one, and all persons liable to road duty, payment of the sum which will exempt them from road duty for the then current year, and to perform such other duties as may be required by said board, and such person shall execute to all persons making such payments a receipt for the money so paid; and shall keep a stub duplicate of such receipt which shall at all times be open to the inspection of said board, or such persons may be designated by said board. Such person or persons as collect the road fund shall, monthly, at the end of each month, pay to the county treasurer of said county all money collected by him under the provisions hereof, including penalties, less his commission. The person or persons to collect the road fund shall receive as compensation for his services, such amount as said board may agree to pay, not to exceed ten per cent. of the amount collected by them. Said board shall require each person collecting this fund to give a good and sufficient bond payable to the county, and to be approved by the probate judge of said county, in such sum

Delinquents.

Board may
appoint per-
sons to re-
ceive road fee.

Payment to
county
treasurer.

Compensa-
tion of col-
lectors; bond.

County treasurer, duties of.

as the said board deems fit, and so conditioned as to secure the payment of all sums collected.

Road fund receipts separate.

Salary.

Persons liable.

Section 8. It shall be the duty of the county treasurer to prepare and deliver all receipt stub books; take receipts of road fund collectors; to keep a record of the original, sworn enumerations on file, to audit such enumerations, and at the end of ninety days from the date of the appointment of the enumerators, to prepare a list of persons in each precinct subject to road duty who have not paid their road tax, which list shall be furnished to the superintendent of public roads, showing in what precinct each person resides; said superintendent shall then apportion and direct in writing upon what roads all persons liable to road duty shall be worked, subject in the case of each apportionment to the approval of the board. The county treasurer shall also keep an accurate account of all receipts from the road tax separate and apart from other funds of the county, which shall be deposited to the credit of the "county road fund" to the credit of which account shall also be deposited all other moneys appropriated by the board for the purpose of carrying out the provisions of this act. No moneys shall be paid out by said county or the treasurer thereof, for or on account of anything required under this act, except out of said county road fund, which shall be deposited in some banking house, and all payments out of said fund, for any purpose whatsoever, shall be by check, payable to the person to whom the county is indebted. For the entire services to be performed by the county treasurer hereunder, he shall receive a salary to be fixed by said board, not less than six hundred dollars (\$600.00) per annum and said board shall provide said treasurer a clerk.

Section 9. All persons liable to road duty who have not exempted themselves by payment, as herein provided, shall work upon the public roads in said county for the terms as provided in this act, provided, however, that no person shall be re-

quired to work at a point more than six miles from his place of residence.

Section 10. All persons liable to road duty who have not exempted themselves by paying the tax, as herein provided, shall work on the public roads of said county, under any foreman or foremen, to be designated by the superintendent and approved by the board, at such time subsequent to the last day of March of each year as they are warned to work on said road, and for the full period of ten days. Persons not exempted must work roads.

Section 11. The said board may appoint a person or persons, such person or persons to be paid out of the road fund, such compensation as said board may agree to pay for his services, to warn all persons liable to road duty, who have not exempted themselves by paying the tax aforesaid to work upon the public roads at such time and place, and under such contractor, overseer or other person as said Board may direct. The person giving the warning must give two days notice to the person liable to road duty in person or in writing to be left at his residence, to meet at such time and place as may be appointed in the notice, and with such tools as may be directed in the notice. Board may provide for notification.

Section 12. If any person warned fails to attend, or to send a substitute with the proper tools agreeable to the notice, or fails to perform his duty faithfully, such person must pay for each days default the sum of one dollar (\$1.00) to be recovered at the suit of the county before any justice of the peace in the precinct of the residence of such person, for the benefit of the road fund, and in order to collect the judgment which may be rendered against any person, process of garnishment may issue in the form and in the manner prescribed by law. Failure to attend. Penalty.

Section 13. Whenever the working of the public roads, or any part thereof, is let by contract, said board shall require the contractor to account for the value of the services which may be performed by any person When work done by contract.

	liable to road duty who works under such contractor, in pursuance of a warning to work, as herein provided; the value of such services to be prescribed in the contract.
Expenditure of road funds; board may expend.	Section 14. In the working or maintenance of the public roads and bridges in said county, either by contract or by employment of labor, said board shall not be restricted in the expenditure of the road fund in its hands to precinct lines or road districts, but may expend the money on the roads as said board may deem to be to the best interests of the county, in keeping up its public highways.
Penalty.	Section 15. Any person liable to road duty who willfully fails or refuses, after legal notice, to work the public roads, either in person or by substitute, shall be subject to and punished by the criminal laws of the State in the manner as is provided by the general law.
Those liable for road duty.	Section 16. Any person who comes into the county at any time after the commencement of the road year, and resides therein for sixty days, shall be liable to road duty in said county, to the same extent as if he were a resident of said county at the commencement of the road year, provided, however, that if such person moves into the county subsequent to the first day of July of the road year, such person can exempt himself from liability to road duty by paying one half of the amount required to be paid to exempt a person from road duty, who was a resident of the county at the commencement of the road year; and provided, further, that any person who becomes a resident of the county subsequent to the road year, or who has already performed road duty in another county of the State during that year, shall be exempt from road duty in said county.
Exceptions.	
Power of board.	Section 17. Said board shall have full authority and power to do all acts and make all contracts necessary, or deemed necessary to carry out the purpose of this act.

Section 18. It shall be the duty of at least three members of said board, together to make semi-annually an inspection of the roads, streets and thoroughfares within the jurisdiction of said board, in order to ascertain whether the work shown by the reports of superintendent has been properly and economically done, comparing the work with that shown by the reports and the road map, and at the next meeting of the board, make a written report of their findings to the board, which shall be spread upon its minutes. The board shall keep full and complete minutes of all meetings, and may employ such clerical assistants and a stenographer if deemed necessary by the board. A failure of at least three members together to make inspections provided, shall ipso facto cause a vacancy in the office of the member or members who fail or refuse to make the inspections provided, such vacancy to be filled by the Governor. Said revenue and road commissioners shall receive, for the services under this act, each the sum of one thousand dollars (\$1,000.00) annually, payable in monthly installments out of the county treasury, in addition to the compensation received by them for services now required by law of them.

Section 19. Only such parts of existing laws as conflict with the provisions of this act are intended to be repealed, but such as do conflict are expressly repealed.

Approved Aug. 2, 1907.

No. 589.)

AN ACT

(S. 402.

To provide for the holding of a term of the circuit court of the Fifth Judicial Circuit of Coosa County, at Goodwater and to regulate the same.

Section 1. Be it enacted by the Legislature of Alabama; That there shall be held a term of the

Time and
place of hold-
ing court.

circuit court of the fifth judicial circuit, or any other circuit in which Coosa county may be by any past or future act of the Legislature of Alabama, at Goodwater in Coosa county, commencing on the twelfth Monday after the fourth Monday in February and August in each year and may continue two weeks.

Jurisdiction.

Section 2. That said court shall have jurisdiction to try and determine all civil causes in which the defendant at the time of the commencement of the suit, is a resident citizen of election precincts number three, Soccapatory; number four, Goodwater; number five, Mount Olive; or number twelve, Jordon Precinct, in Coosa county. Also when the defendant is a resident of Coosa county, and the cause of action arises in either of said precincts, numbered three, four, five and twelve; also when the defendant is a corporation doing business in any of said precincts, and the cause of action arises or the plaintiff resides in any of said precincts; also when the cause of action is exdelicto and the tort is committed in either of said precincts also of all appeals in both civil and criminal cases appealed from any of ther of said precincts, also of all appeals in both civil and criminal cases appealed from any of the justice courts of either of said precincts and of all appeals either civil or criminal, or quasi criminal from the courts of the municipal authorities of any municipal corporation located in either of said precincts. Also of all the criminal prosecutions where the offense is committed in either of said precincts and the defendant or defendants make bond where they are arrested after indictment.

Causes trans-
ferred.

Section 3. That all civil causes pending in the circuit court of Coosa county, at Rockford, in which the defendant or defendants or where there is more than one defendant, where either of the defendants reside, at the time the suit was commenced, in election precincts numbered three, four, five, and twelve in Coosa county. And in all civil causes against corporations

where the cause of action originated in either of said precincts, or where the defendant or either of the defendants resided in either of said precincts at the time the suit was begun, or where the action is ex delicto and the tort was committed in either of said precincts and all causes pending on the docket of the circuit court of Coosa county, appealed from any of the justice courts of any of said precincts, and all the causes in the circuit court of said county appealed from the courts of any of the municipal authorities of any municipal corporation, located in any of said precincts; also all criminal prosecutions pending in the circuit court of Coosa county at Rockford where the defendant or defendants are under bond for his appearance at said circuit court at Rockford where the offense was committed in either of said precincts, shall be transferred from the dockets of said court at Rockford to the dockets of said court to be held at Goodwater, and shall stand for trial at the first term of said court.

Section 4. That where indictments are returned by any grand jury organized by the circuit court of Coosa county for any offense committed in the precincts described in section 2 of this act and the defendant or defendants on being arrested under capias issued on such indictment where the offense was committed in either of said precincts, the bail for the defendants appearance shall be conditioned for the defendants appearance at the next term of said circuit court at Goodwater, and shall stand for trial at the first term thereafter. And all criminal cases shall be set by the clerk for trial during the first three days of each term of said circuit court to be held at Goodwater. And when any cause either civil or criminal, is improperly placed on the docket at Rockford when it should be at Goodwater, the same shall be transferred from the dockets of the circuit court at Rockford to the dockets of the circuit court at Goodwater. And

Bail, provides for appearance at Goodwater.

Causes transferred.

when any cause either civil or criminal, is improperly placed on the dockets of said circuit court at Rockford.

Presiding
judge.

Section 5. That said court shall be presided over by the judge of the fifth judicial circuit, as is now provided by law in this State, so long as Coosa county continues in said circuit, and then by the judge of the circuit in which Coosa county is situated.

Circuit
clerk; ex-of-
ficio clerk.

Section 6. That the Clerk of the circuit court of Coosa county shall be ex-officio the clerk of said court and he shall be required to procure and keep all necessary dockets and records for the use of said court, and the dockets, records and papers pertaining to said court shall be kept at Goodwater. Said clerk of the circuit court for Coosa county shall keep an office at Goodwater in which the records, books and papers pertaining to said court shall be kept, and shall also, what time he is not at said office, keep a deputy clerk in said office who shall be authorized and empowered to discharge in the name of the clerk of the circuit court of Coosa county, all the duties of said office pertaining to the business of said court at Goodwater. Said books, records and papers shall at all times be open for inspection by said court and its officers. The clerk of the circuit court of Coosa county and said deputy at Goodwater, shall do and perform all acts pertaining to said court as is now required of the clerk of the circuit court of Coosa county in reference to matters in the circuit court of said county.

Office of
clerk at Good-
water.

Sheriff; of-
fice at Good-
water.

Section 7. That the sheriff of Coosa county shall be required to keep an office in the court house at Goodwater and keep the same open in person or by deputy, for his reception and service of all instruments, and the transaction of all business that may be, or that is now, required by law of him; and shall attend upon each term of said court, and procure for the use of said court all the digests and law books owned by the county, and for the transportation of said books, the commissioners court of said county shall issue a warrant payable to the sheriff for the

amount actually expended by him for said purposes.

Section 8. That all summons or process is-^{Summons;} sued under the provisions of this act, shall be re-^{process.} turnable to the court of Goodwater, and so designated in said summons or process.

Section 9. That there shall be twenty-four ^{Juries.} jurors drawn and summoned for each term of said court, in the same manner as now prescribed by law for drawing and summoning jurors in Coosa County, from the qualified jurors who reside in election precincts number Three, Four, Five and Twelve of Coosa county, which said jurors when so drawn and summoned shall attend and serve upon said court under the pains and penalties now provided by law for the service of jurors upon the circuit court of Coosa county. Said jurors shall be drawn from a box as now provided by law, except that there shall be no names in the box except the names of the qualified jurors of said election precincts numbered Three, Four, Five and Twelve.

Section 10. That the first term of said court ^{Court; term} shall be held on the twelfth Monday after the ^{of.} fourth Monday in August, 1907, and said circuit court at Goodwater shall be held in such building as may be provided for the holding of said court by the mayor and aldermen of Goodwater until such time as the commissioners court of such county may provide for and designate some other building within the corporate limits of the town of Goodwater for the holding of said circuit court at Goodwater, but nothing herein shall be so construed as to require the commissioners court of Coosa county to build a court house for such purpose at the expense of said county.

Section 11. The sheriff and clerk of Coosa ^{Sheriff and} county shall perform all the duties required of ^{clerk, duties} them under the provisions of this act and for the ^{of.} faithful performance of their duties under the provisions of this act, they shall be liable on their official bonds, and on the official bonds of such officers subsequently executed and the sureties

on such bonds shall be liable in the same manner and to the same extent as for other official acts of said officers.

Approved August 3, 1907.

No. 590.) AN ACT (S. 395.

To amend an act entitled an act to establish a charter for the town of Wedowee, Randolph county, Alabama, approved February 8th, 1901.

Act of 1901
amended.

Section 1. Be it enacted by the Legislature of Alabama, That section 2 of an act to establish a charter for the town of Wedowee, Randolph county, Ala., approved Feb. 8, 1901, be and the same is hereby amended so as to read as follows: Section 2. Be it further enacted, That the corporate limits of the said town of Wedowee shall embrace and include the following territory, to-wit: Section 3, and the north half of the northwest quarter of the northeast quarter and the north half of the northeast quarter of the northwest quarter in section ten, all in township twenty, of range eleven in Randolph county, Alabama.

Corporate
limits.

Approved August 2, 1907.

No. 591.) AN ACT (S. 196.

To provide for the election of only one justice of the peace for each precinct within or partly within the city of Montgomery; and to define the powers and jurisdiction of said justices of the peace.

J. P., election
of.

Section 1. Be in enacted by the Legislature of Alabama, That at the general election in 1908, and every four years thereafter, there shall be

elected by the qualified voters respectively of each precinct within or partly within the city of Montgomery, only one justice of the peace, for each of said precincts; said justices of the peace to be residents of the precincts for which they are elected.

Section 2. That said justices of the peace shall have the same power and jurisdiction as is now provided by law for justices of the peace in said precincts. Jurisdiction.

Section 3. That all laws local or general in conflict with the provisions of this act, be and the same are hereby repealed. Repeal.

Approved August 7th, 1907.

No. 592.)

AN ACT

(S. 305.

To enlarge the powers of the board of trustees, hereafter to be known as the board of education of the school district of New Decatur.

Section 1. Be it enacted by the Legislature of Alabama, That after the expiration of the present term of office of the county superintendent of education of Morgan county the State funds appportioned to the school districts of New Decatur shall be received direct by its board of trustees through its treasurer and disbursed as now provided by law. State funds;
how re-
ceived and
disbursed.

Section 2. That the superintendent of the public schools of said school district shall hereafter make reports required of him by law direct to the State superintendent of education. Reports re-
quired.

Section 3. That the trustees of said school district, hereafter to be known as the board of education of New Decatur are authorized to impose an incidental fee not to exceed three dollars per scholar for each school year to be payable on enrollment of each scholar. Incidental fee.

Section 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved August 2, 1907.

No. 595.)

AN ACT

(H. 1315.

To establish a dispensary in and for the town of Andalusia in the county of Covington in the State of Alabama, and to provide for the conduct and regulation of the same.

Dispensary established.

Section 1. Be it enacted by the Legislature of Alabama, that there is hereby established within the corporate limits of the town of Andalusia, in the county of Covington, in this State, a dispensary for the said town of Andalusia to be conducted and carried on by said town in its corporate capacity, for buying and selling spirituous, vinous and malt liquors, subject to the conditions and restrictions in this act contained. The place at which said business is carried on shall be called a dispensary, and said place shall be within the corporate limits of said town, but shall not be located on Court House square. The mayor and council of Andalusia for the purpose of inaugurating said business shall be authorized to invest therein a sum of money not exceeding two thousand dollars.

Business, how conducted.

Section 2. Said business shall be conducted by the mayor and council of Andalusia through a dispenser and five commissioners, and such other officers and agents as may be appointed or selected by them or by the commissioners with their consent and approval for that purpose. The office of dispenser is hereby created, and his term of office shall be one year from the date of his qualification and until his successor is elected and qualified. The first five commissioners shall be J. A. Prestwood, A. M. Riley, W. F. Simmons, A. Whatley and J. E. Fletcher, their term of of-

Commissioners named.

fice shall be four years from the time they are qualified, and until their successors are appointed and qualified. The dispenser shall be elected by the commissioners annually, and the commissioners shall be elected by the mayor and council of Andalusia every four years. The first election of commissioners shall take place on the expiration of the term of office of the commissioners hereinabove mentioned and named. All other officers and agents shall be appointed by the commissioners with the approval and consent of the mayor and council of Andalusia. The mayor and council shall have authority to fill all vacancies in the office of commissioners and the commissioners shall have authority to fill all vacancies in office of dispenser.

Dispenser,
election of.

Other officers.

Section 3. Said dispenser and all other officers, agents and persons employed in said dispensary, shall be over the age of twenty-one years and shall be esteemed as honest, temperate, law-abiding and competent to conduct the business for which they are employed.

Officers, qual-
ification of.

Section 4. The dispenser under the direction and control of the dispensary commissioners, shall manage and carry on said dispensary. Said board of dispensary commissioners, shall adopt the rules and regulations for the management of the business of said dispensary, including the purchase and sale and testing and analyzing of such liquors as may be sold thereat. Said commissioners shall provide blanks and require daily reports from the dispenser showing all moneys received by him, and monthly reports showing in detail all liquors received by him with an inventory of those on hand at the time of making such monthly reports. Said commissioners under the supervision and control of the mayor and council of Andalusia, shall purchase on the most economical terms for cash all liquors to be sold at said dispensary, and shall take all proper and necessary precautions to provide that none of them shall contain injurious,

Rules and
regulations.

Oath of dispenser.	deleterious or poisonous substances, but shall be of good quality.
Bond.	<p>Section 5. The dispenser before entering upon the duties of his office shall make affidavit before an officer authorized to administer oaths, that he will obey all the laws of the State of Alabama and the town of Andalusia relative to the sale, giving away or otherwise disposing of liquors of any kind. Said dispenser shall execute bond in the sum of one thousand dollars, payable to the town of Andalusia conditioned for the honest and faithful discharge of said duties as such dispenser. . Such bond shall be approved by the dispensary commissioners and the mayor and council of said town. For neglect of duty, incompetency, malfeasance in office said dispenser may be removed from office by the commissioners of said dispensary. Whenever a vacancy occurs in the office of the dispenser the commissioners may forthwith elect a dispenser who shall hold office for the unexpired term of his predecessor and until his successor is elected and qualified, and shall be required to give bond conditioned as hereinabove provided for.</p>
Dispenser may be removed from office.	
Sa'ary.	<p>Section 6. The mayor and council of Andalusia shall pay to the dispenser a salary which shall not be less than \$600.00 nor more than \$1,000.00 per annum. Said salary shall be fixed by the commissioners of said dispensary and paid in equal monthly installments.</p>
All seals to be original packages.	<p>Section 7. The dispenser shall not sell or permit to be sold any spirituous, vinous, malt or intoxicating drinks or liquors of any kind that are not contained in sealed packages, nor shall the same be sold in quantities of more than one quart nor less than one half pint, and whenever an original package is broken it shall at once be bottled and sealed and sold in such bottled and sealed condition. The dispenser shall not permit any drinking in said dispensary.</p>
Opening and closing.	<p>Section 8. Said dispensary shall not be opened on any day before 6 o'clock a. m. and shall be closed each day not later than 6 o'clock in the</p>

afternoon, and shall remain closed on Sundays, election days and on the day before election day, and on such other days as the mayor and council of Andalusia shall direct the same to remain closed.

Section 9. Any person who consumes any liquor in said dispensary shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars. Penalty.

Section 10. The dispenser shall keep an accurate and correct set of books showing all transactions, actions, and the said dispensary commissioners may at any time when they see proper make an investigation of the correctness of said books and report and check up the same. Record of all transactions.

Section 11. The dispenser shall make daily deposits of the proceeds of each days sales of liquors with the treasurer of the town of Andalusia and shall take receipts for such daily deposits bearing consecutive numbers and correct dates. Deposits with treasurer.

Section 12. The treasurer of the town of Andalusia shall be ex-officio treasurer of the board of dispensary commissioners, and shall be liable as shall also his sureties on his official bond as treasurer of the said town of Andalusia for all funds coming into his hands under the provisions of this act. Said treasurer shall keep a separate and distinct account between himself as such and the dispenser and the dispensary commissioners showing in detail all receipts and disbursements on account of said dispensary, and shall require and keep vouchers for all moneys paid out by him. He shall pay out no money except upon the order of said commissioners and in such form and executed in such manner as such commissioners may provide, and shall make such report to said commissioners as may be required by them. Ex-officio treasurer. Accounts of.

Section 13. Three members of said board of commissioners shall constitute a quorum, but no action shall be taken by said board without affirmative vote of at least three members present and voting in person. Said commissioners are Quorum of board.

hereby authorized to establish rules for their government and to regulate their deliberation as it may see fit from time to time subject always to the supervision and control of the mayor and council of the town of Andalusia.

Sales prohibited.

Section 14. No spirituous, vinous or malt liquors or intoxicating beverages or drinks of any kind shall be sold within the corporate limits of the town of Andalusia except as herein provided, and any person who violates this section shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than one hundred dollars upon conviction for the first offense, and for each offense thereafter upon conviction shall be fined not less than one hundred nor more than five hundred dollars, and may be sentenced to hard labor for the county for not exceeding six months.

Penalty.

Laws for government.

Section 15. The mayor and council of the town of Andalusia shall have authority to pass all laws or ordinances for the government of said dispensary and not in conflict with the provisions of this act and the laws of the State of Alabama.

License.

Section 16. The town of Andalusia before opening and operating said dispensary shall take out State and county license as required by the laws of this State of towns and cities with like population operating dispensaries.

Revenue, disposition of.

Section 17. All revenues accruing from the sale of spirituous, vinous and malt liquors by said dispensary above the sum necessary for the establishment, maintenance and management of the same, shall be paid into the treasury of the said town of Andalusia, and shall be appropriated by said town of Andalusia through its mayor and council in the following manner and for the following purposes to-wit: Seventy-five per cent to go into the general fund of the town and to be used and expended for purposes and objects designated by said mayor and council of said town of Andalusia, and twenty-five per cent to go to the public

schools of the county of Covington, State of Alabama.

Section 18. The dispensary commissioners shall be required to have published a semi-annual report of the financial condition of said dispensary showing the receipts and disbursements and the amount paid into the town treasury. Semi-annual report.

Section 19. This act shall not become operative, nor shall it effect the sale of liquors in said town of Andalusia, until the first day of January, 1908. Effective Jan. 1908.

Section 20. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Repeal.

Approved August 2, 1907.

No. 596.)

AN ACT

(H. 1293.

To allow the selling or otherwise lawfully disposing of lager beer by the proprietor, or manager, of the Park Hotel to be erected at Montrose in Baldwin county.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act it shall be lawful for the proprietor, or manager, of the Park hotel to be erected at Montrose in Baldwin county to sell, or otherwise lawfully dispose of, lager beer; provided, that nothing in this act shall be so construed as to exempt said proprietor, or manager, from the payment of any State, county or municipal license taxes, required by law to be paid by dealers in lager beer. Sale of beer. License.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed; provided, that the right herein given, shall be operative and effective, only when a hotel shall be built at Montrose, in Baldwin county, Ala., consisting of not less than 25 rooms, and provided further that this right shall only be Repeal; conditions.

exercised during the time said hotel shall be in operation as a hotel, and shall be nullified whenever the said hotel shall cease to be operative as such, and provided further that all sales of lager beer shall be made within the curtilage of said hotel.

Approved August 6, 1907.

No. 597.)

AN ACT

(H. 868.

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or other intoxicating drinks, or beverages within five miles of the Corona Methodist church in Corona, in Walker county, Alabama.

Sale of liquor prohibited.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm or corporation, to sell, give away, or otherwise dispose of spirituous, vinous or malt liquors, or other intoxicating drinks, or beverages within five miles of the Corona Methodist church in Corona, in Walker county, Alabama.

Penalty.

Section 2. That any person firm, or corporation, violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Effective.

Section 3. This act shall not go into effect until the first day of January, 1908.

Approved August 6th, 1907.

No. 598.)

AN ACT

(H. 854.)

To prohibit the sale, barter or exchange, giving away, lending, delivering, or otherwise disposing of any spirituous, vinous, or malt liquors, intoxicating beverages, bitters, beers, "Hop Jacks" or intoxicating proprietary medicines of any kind, except upon the written prescription of a practicing physician, within one and a half miles of Bethel Methodist Episcopal Church, South, situated at Dolcito, in Precinct (11) Eleven, Jefferson county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That any person who sells, barters or exchanges, gives away, lends, delivers or otherwise disposes of any spirituous, vinous, or malt liquors, intoxicating beverages, bitters, beers, "Hop Jack," or intoxicating proprietary medicine of any kind, except upon the written prescription of a practicing physician, within one and one-half miles of Bethel Methodist Episcopal Church, South, situated at Dolcito, in Precinct (11) Eleven, Jefferson county, Alabama, must, on conviction be fined not less than fifty nor more than five hundred dollars and must also be sentenced to hard labor for not less than one month nor more than six months.

Sale of liquors prohibited.

Penalty.

Approved August 6th, 1907.

No. 599.)

AN ACT

(H. 1196.)

To amend section thirteen of an act to establish maintain and regulate a dispensary in the town of Marion, Perry county, Alabama, for the sale of spirituous or vinous malt liquors, wines, ciders or other intoxicating liquors and to establish a board of directors for the purpose of better controlling and managing the sale of spirituous or vinous liquors, malt

liquors, wines, ciders or other intoxicating liquors or for other purposes approved February 28, 1901.

Act of 1901
amended.

Section 1. Be it enacted by the Legislature of Alabama, That section thirteen of an act to establish, maintain and regulate a dispensary in the town of Marion, Perry county, Alabama, for the sale of spirituous, vinous liquors, malt liquors, wines, ciders, or other intoxicating liquors and to establish a board of directors for the purpose of better controlling and managing the sale of spirituous, or vinous, liquors, malt liquors, wines, ciders or other intoxicating liquors and for other purposes, approved February 28, 1901, be amended so as to read as follows:

Division and
dispositions of
profits.

Section 13. That the mayor and council of the town of Marion through its board of directors of said dispensary shall on and after the first day of October, 1907, "and on the first days of January, April, July and October of each year thereafter," out of the net profits arising from said dispensary after the first day of October, 1907, pay one-half of said net profits to the county treasurer of Perry county, Alabama, for the use of Perry county to be set apart exclusively for working and repairing the public roads of said county; that out of the balance or remaining one-half of said net profits of said dispensary said mayor and council shall annually pay to the board of trustees of the Marion public school district the sum of one thousand dollars to be expended by the school trustees for the benefit of the public schools of the Marion school district and the balance of the necessary running expenses of the said mayor and council of the town of Marion, and then, to the payment of the debts and obligations of said town of Marion. That for the purpose of making the aforesaid payments, said mayor and council shall have semi-annual settlements made with its board of directors of said dispensary and ascertain and declare the net profits of said dispensary and the

Semi- annual
settlements.

court of county commissioners of Perry county, Alabama, shall have full power to examine and audit the accounts and take an inventory of the stock on hand, of said dispensary, and for that purpose on and after the (1st) first day of October, 1907, shall have access to the books of said dispensary when deemed advisable by them. Provided that in the event any election is held in the county of Perry prior to October 1st, 1907, whereby the said county goes for prohibition and the validity of said election is not set aside or held for naught, then in that event, the mayor and council of the town of Marion shall not pay any portion of such revenue in the county treasury.

Approved August 6, 1907.

No. 602.)

AN ACT

(H. 924

To divide the county of Hale into four commissioners districts, and to provide for the election of a commissioner for each district.

Section 1. Be it enacted by the Legislature of Alabama, That the county of Hale, be and the same is hereby divided into four commissioners districts to be numbered first, second, third and fourth districts. That the first district shall be composed of that part of Hale county embraced within the precincts as now existing and numbered as follows: Precincts number 1, 2, 12 and 16. That the second district shall be composed of that part of said county within the precincts as now existing and numbered as follows: Precincts 6, 7, 8 and 9. That the third district shall be composed of that part of said county of Hale embraced within the precinct as now existing and numbered as follows: Precincts number 4, 5, and 15, that the fourth district shall be composed of that part of said county of Hale within precincts now existing and numbered as follows:

Commis-
sioners, elec-
tion of.

Precincts number 10, 11, 14 and 18 and three and thirteen.

Section 2. That at the general election in November, 1908, and every four years thereafter, a commissioner shall be elected for each of said districts by the qualified electors of that district whose term of office shall commence at the expiration of the term of office of the commissioner now in office, and shall hold office for four years and until their successors are elected and qualified. Each of said commissioners shall be a qualified elector of the districts from which he is elected.

Approved August 3, 1907.

No. 606.)

AN ACT

(No. 575.

For the relief of John S. Stephenson. Whereas John S. Stephenson as sheriff of Lawrence county, Alabama, earned and is entitled to certain fees in criminal cases in the circuit and county courts of said county, which he has failed to register against the fine and forfeiture fund of said county within one year after the same accrued, as required by law; And whereas, said claims have been certified by the clerk of said courts to be due and correct and that the amount thereof is thirteen hundred and thirty-seven and 50-100 dollars (\$1,337.50) and whereas, the treasurer of said county has refused to register said claims against said fine and forfeiture fund for the reason that the same was not presented for registration within one year from the accrual thereof, as required by law; Therefore,

Treasurer au-
thorized to
register

Section 1. Be it enacted by the Legislature of Alabama, That the treasurer of said Lawrence county, Alabama, is hereby authorized and required to register the said claims against the

said fine and forfeiture fund of Lawrence county, if the same are made and certified as required by law, and presented for registration within six months after the approval of this act.

Section 2. That after said claims are filed and registered against said fine and forfeiture fund, ^{Payment of claims.} that the same shall be a charge against said fine and forfeiture fund and shall be paid in the same manner as other claims of like kind or character are paid, and shall be received in payment of fine and forfeitures.

Approved August 6, 1907.

No. 607.)

AN ACT

(H. 938.

To alter and re-arrange the boundary lines of the city of Bessemer, Jefferson county, Alabama.

Be it enacted by the Legislature of Alabama.

Section 1. That the boundary lines of the city of Bessemer, Alabama, be altered or re-arranged so as to include the following described territory, to-wit: Beginning at half (1-2) section corner on section line between sections nineteen and twenty, township nineteen, south, range 4, west, running thence north along said section line to Valley Creek, running thence along and with the meandering Valley Creek in a northerly and easterly direction to macadamized road between Bessemer and Birmingham intersecting the macadamized road near Robertstown Furnace thence along the said macadamized road in a north easterly direction with and on the 1-4 section line, between the N. E. 1-4 and the N. W. 1-4 of Sec. 23, township 18 south, range 4 west, thence along the said 1-4 section line in a northerly direction to its intersection with section line running east and west as between section 33 and 28, township 18 south, range 4 west, thence in an easterly direction along said section line between sections

33 and 28 and 34 and 27 to section corner of sections 26, 27, 34 and 35, thence south along said line between 34 and 35 to 1-2 section corner, thence east along said 1-2 section line to 1-2 section corner of section line running north and south between section 35 and 36 thence south along section line to corner of sections 36 and 35, township 18 south, range 4 west, and sections 1 and 2, township 19, range 4 west, thence in an westerly direction along section and township line to 1-4 section, corner on section line between sections 2 and 35 thence in a southerly direction along 1-4 section line to its intersection with Halbrook avenue of the city of Bessemer if extended thence in a southwesterly direction along Halbrook avenue and the extension of Halbrook avenue to 1-2 section line running east and west through section 21, township 19 south, range 4 west, thence in a westerly direction along 1-2 section line to point of beginning, all territory described being in township 18 and 19 south, range 4 west.

Resolution
calling for
election.

Probate judge,
duty of.

Section 2. Whenever the board of mayor and aldermen of the city of Bessemer shall adopt a resolution calling for an election by the qualified voters residing in the above described territory not now being included and part of the territory of the city of Bessemer, it shall be the duty of the mayor of the city of Bessemer to certify a copy of such resolutions to the probate judge of Jefferson county, Alabama. It shall be the duty of the judge of probate within ten days from the filing of such certified copy of such resolutions to make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified voters residing in the territory which is now embraced in the corporate limits of the city of Bessemer, each incorporated town embraced in said last mentioned territory shall be a separate and distinct voting place, and unless a majority of the qualified electors voting at such voting place within such town in such election shall vote for annexation to the

city of Bessemer, such town shall not be annexed or become a part of the city of Bessemer. All of the above described territory not being and embraced in or part of an incorporated town or city shall be bound as to annexation by the vote of the majority of the qualified electors residing therein and voting. The probate judge of Jefferson county, Alabama, shall give notice of the holding of such an election by publication in at least one newspaper published in the above described territory for not less than twenty nor more than forty days which notice shall state the day on which such an election is to be held, the voting place or places and appoint three inspectors for each voting place and a returning officer.

Section 3. Each voter may furnish his own ballot with the following words written or printed thereon, "For Annexation," if he desires to vote in favor of annexing said territory to the city or, "Against Annexation" if he desires to vote against annexing the territory to the city it shall not be necessary for the ballot to be of any particular size, color or form, it shall be the duty of the judge of probate to canvass the return as made by the inspectors and if it appears that a majority of the votes cast at the election held were in favor "For Annexation" the judge shall make and enter an order upon the records of the probate court adjudging and decreeing the corporate limits of the city of Bessemer is extended, altered or re-arranged so as to include and embrace the territory above described. If it appears that a majority of the votes cast at the election are "Against Annexation" the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the voters at such an election were cast against annexation to the city of Bessemer and that the above described territory shall not form a part or be embraced in the city of Bessemer, Alabama. The election herein provided for shall be gov-

Ballots.
Result of election; probate judge to enter order.

erned by the laws regulating elections except as may be herein otherwise provided, the result of said election may be contested by any qualified elector voting at the election under the same provisions as are governed by general law for contesting the election of justice of the peace making the city of Bessemer the contestee.

Amended territory subject to laws.

Section 4. All territory brought within the corporate limits of the city of Bessemer, under the provisions of this act shall be subject to the laws and ordinances of said city and the mayor and board of aldermen shall have and exercise the same jurisdiction over said territory as over the corporate limits of the city of Bessemer.

Fees of probate judge.

Section 5. The probate judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him and the city of Bessemer shall pay all expenses and costs thereof except in case of contest as herein provided.

Elections; time of.

Section 6. After an election has been held in the territory above described under the provisions of this act no other or subsequent election shall be ordered or held for the same territory or any part thereof within six months after such election.

Approved August 6, 1907.

No. 612.)

AN ACT

(H. 1273.

To provide for the transfer of all cases charging the commission of a misdemeanor, presented by indictment by the grand jury of the circuit court of Morgan county, Alabama, to the Morgan county law and equity court of Morgan county, Alabama, and to provide for the trial and proceedings in said causes.

Section 1. Be it enacted by the Legislature of Alabama, That all cases charging the commis-

sion of a misdemeanor presented by indictment by the grand jury of the circuit court of Morgan county, Alabama; shall be transferred to the Morgan county law and equity court of Morgan county, Alabama, by the clerk of the circuit court of Morgan county, Alabama, immediately upon the presentment of same by said grand jury, and the entry of the judge thereof.

Cases transferred.

Section 2. That at each and every succeeding term of the circuit court held after the passage of of this act for the county of Morgan, the presiding judge thereof shall enter on the minutes of said circuit court, immediately upon the presentment by the grand jury, of indictments charging a misdemeanor, an order requiring the clerk of the circuit court to transfer to the Morgan county law and equity court, all indictments presented or filed in the circuit court against persons charged with the commission of misdemeanors, and after the making of such order, the jurisdiction to try such cases shall vest in the Morgan county law and equity court.

Jurisdiction of court.

Section 3. That all cases in which indictments have been found by the grand jury of the circuit court of Morgan county, Alabama, subsequent to February 25, 1907, and is still pending undetermined in said court, charging a misdemeanor, shall be transferred for trial to the said Morgan county law and equity court by the clerk of said circuit court, within ten days after the approval of this act, and thereafter said Morgan county law and equity court shall have and exercise exclusive jurisdiction of all such causes.

Indictments subsequent to Feb. 25, 1907.

Section 4. That all indictments hereafter found by the grand jury of the circuit court of Morgan county, Alabama, charging the commission of a misdemeanor, shall be tried by the Morgan county law and equity court in the same manner and under the same provisions that such causes are now tried by the circuit court of Morgan county, Alabama.

All indictments trial by law and equity court.

Repeal.

Section 5. That all laws or parts of laws whether general or special in conflict with this act, are hereby repealed.

Approved August 6, 1907.

No. 613.)

AN ACT

(H. 1081.

To authorize and empower the commissioners court of Tallapoosa county, to fix and regulate the tolls to be charged by the owners of the bridge across the Tallapoosa river at Tallassee, Alabama, for the use of said bridge by passengers and for vehicles and for traffic and for whatsoever may pass over the same, and to provide for the enforcement of such rates of toll and to prescribe penalties for collecting, demanding, or receiving tolls in excess of said rates fixed by said court of county commissioners.

Commissioners authorized to fix tolls.

Section 1. Be it enacted by the Legislature of Alabama, That the commissioners court of Tallapoosa county are authorized and empowered to regulate and fix the rate of toll that shall be charged by the owners of the bridge across the Tallapoosa river at Tallassee, Alabama, for the use of said bridge for passengers and for vehicles, and for traffic and for whatever may pass over the same, and said commissioners court may from time to time alter said rates of toll, when in the judgment of the court the same shall be necessary and proper.

Rates established.

Section 2. After the rates of toll to be charged for the use of said bridge shall have been fixed by said court of county commissioners it shall be unlawful for the owners or keeper of said bridge to demand or receive from any persons a larger rate of toll than that prescribed and fixed by said court of county commissioners, and for each violation of this act the owners of said bridge shall forfeit to the persons from whom ex-

Penalty.

clusive toll shall have been demanded or received, twenty dollars recoverable before any justice of the peace of said county.

Approved August 6th, 1907.

No. 614.)

AN ACT

(S. 506.

To increase the fees for ex-officio services of the clerk of the city court of Gadsden, the judge of probate and sheriff of Etowah county, and to provide for the payment of the same.

Be it enacted by the Legislature of Alabama; That the clerk of the city court of Gadsden, the judge of probate and the sheriff of Etowah county shall be entitled to receive a sum not exceeding four hundred dollars per annum for performing official duties not otherwise provided, to be paid out of the county treasury, in such sum and at such time as may be allowed by the court of county commissioners of Etowah county; provided, however, that said court of county commissioners may provide such sum not exceeding the amount above mentioned as to them may seem just and right. Be it further enacted that all laws and parts of laws in conflict with the provisions of this act, so far as the same applies to Etowah county, be and the same are hereby repealed.

Ex-officio
fees fixed.

Approved August 6, 1907.

No. 616.)

AN ACT

(S. 524.

To prohibit the sale, barter or exchange of spirituous, vinous or malt liquors or intoxicating beverages or drinks within five miles of the Presbyterian and Baptist churches at Pleasant Hill, Dallas county, Alabama, and to

provide for the punishment of the violation of said act by the circuit courts of Dallas or Lowndes counties.

Sale of li-
quor pro-
hibited.

Penalty.

Prosecu-
tions.

Repeal.

Effective.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous or malt liquors or intoxicating drinks or beverages within five miles of the Presbyterian or Baptist churches at Pleasant Hill, Ala., and upon conviction shall be fined not less than fifty dollars and not more than five hundred dollars or sentenced to hard labor for the county for not more than six months.

Section 2. That prosecutions for the violation of this law may be tried in either the circuit court of Dallas or Lowndes counties.

Section 3. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 4. The provisions of this act shall become effective on the 1st day of January, 1908.

Approved August 6, 1907.

No. 617.)

AN ACT

(S. 581.

To require the tax assessor of Mobile county to make a lot book for the year 1906, 1907, and each year thereafter, showing in abstract form all legal subdivisions which have been or which may hereafter be made of all property in Mobile county and the name of the person, firm or corporation to whom each lot or subdivision is assessed for the said years; and to provide compensation therefor.

Assessor re-
quired to make
book.

Section 1. Be it enacted by the Legislature of Alabama, That the tax assessor of Mobile county be and is hereby required to make a lot book for

the years 1906, 1907 and each year thereafter, showing in abstract form all legal subdivisions which have been or which may hereafter be made of all property in Mobile county, and the name of the person, firm or corporation to whom each lot or subdivision is assessed for said years. Such book shall be completed by the first day of August of each year, except for the years 1906 and 1907, which shall be completed by the first day of May, 1908.

Section 2. That the book herein required shall be a public record of Mobile county, and shall remain in the custody of the tax assessor. ^{Public record.}

Section 3. That for the services required of the tax assessor of said county under this act, he shall receive the sum of nine hundred dollars per annum, said amount to be paid out of the general fund of said county on the completion of said book. ^{Assessor's compensation.}

Approved August 6, 1907.

No. 619.)

AN ACT

(S. 448.

To repeal an act entitled an act "To define who are delinquent children and to provide for their arrest and care and reformation," approved March 12, 1907, in so far as it applies to Dallas county.

Section 1. Be it enacted by the Legislature That an act entitled an act, "To define who are delinquent children and to provide for their arrest and care and reformation," approved March 12, 1907," be and the same is hereby repealed in so far as the same effects Dallas county.

Section 2. That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved August 6, 1907.

No. 620.)

AN ACT

(S. 488.

To increase the salary of the solicitor of the county of Etowah, as now fixed by law, and to fix the same, and to provide for its payment.

Salary.

Section 1. Be it enacted by the Legislature of Alabama, That on and after the approval of this act, the salary of the solicitor of the county of Etowah, shall be two hundred (\$200.00) dollars per month payable on the 26th day of each and every month out of the county treasury of Etowah county, and in the manner now provided by law for the payment of the salary of such solicitor.

Earnings of solicitor paid into treasury.

Section 2. That the earnings of said solicitor shall be paid into the county treasury of Etowah county, now provided by law, and that all provisions of existing laws, fixing the term of office; the time and manner of election or appointment, the duties of such solicitor, the duties and obligations of the commissioners court and treasurer of Etowah county in making provisions for funds and payment of such solicitors salary, be and remain the same as now prescribed by law; and that the only change in existing law proposed by this act is, to increase the salary of such solicitor from one hundred and fifty dollars per month, as heretofore fixed, to two hundred dollars per month, as provided by this act, and to provide for its payment; provided, that there shall have been paid into the county treasury from the earnings of said solicitor the sum of twenty-four hundred dollars on or before the 26th day of December of each year after the approval of this act.

Repeal.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 6, 1907.

No. 621.)

AN ACT

(H. 1213.)

To amend section five of an act approved February 22nd, 1907, entitled "An act to prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous or malt liquors, intoxicating beverages, bitters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county by any common carrier, and the bringing into said county by any person for the use of any other person than himself, any spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving of orders for spirituous, vinous or malt liquors intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines, in said county and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous, or malt liquors intoxicating beverages, or intoxicating bitters or intoxicating proprietary medicines by any person in said county over any telegraph or telephone lines and to prohibit the receiving or sending by any telephone or telegraph company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines to any point within this State, and to provide penalties for all such prohibited acts, and to repeal all laws in conflict herewith.

Section 1. Be it enacted by the Legislature of Alabama, That section five of an act approved February 22nd, 1907, entitled an act to prohibit Act amended.

the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, malt liquors, intoxicating beverages, bitters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county by any common carrier, and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors, intoxicating beverages or intoxicating bitters or intoxicating proprietary medicines from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving of orders for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines in said county, and to prohibit the giving orders for spirituous, vinous or malt liquors, intoxicating beverages or intoxicating proprietary medicines in said county and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages or intoxicating bitters or intoxicating proprietary medicines by any person in said county over any telegraph or telephone line, and to prohibit the receiving or sending by any telephone or telegraph company in said county of any order for spirituous, vinous or malt liquors, intoxicating bitters or intoxicating beverages or intoxicating proprietary medicines to any point within the State and to provide penalties for all such prohibited acts and to repeal all laws in conflict herewith," be amended so as to read as follows:

Penalty.

Section 5. That any person who shall in violation of this act sell, barter, or exchange any spirituous, vinous or malt liquors or intoxicating beverages, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be imprisoned in the county jail or sentenced to hard labor for the county for not less than three months, nor more than twelve months and shall also pay a fine of not less than fifty nor more than five hundred dollars; and that any person

violating any of the other provisions of the same shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than fifty nor more than five hundred dollars and may also be sentenced to hard labor for not less than two months, nor more than twelve months.

Approved August 6th, 1907.

No. 622.)

AN ACT

(H. 1210.)

To repeal section 1 of an act to increase the criminal jurisdiction of justices of the peace in the counties of Limestone, Marion, Greene and Marshall, approved February 12, 1879, so far as Marion county is concerned; and to provide that justices of the peace, notaries public and ex-officio justices of the peace of Marion county shall have and exercise the jurisdiction given by the code and general laws of the State.

Section 1. Be it enacted by the Legislature of Alabama, That section 1 of an act to increase the criminal jurisdiction of justices of the peace in the counties of Limestone, Marion, Greene, and Marshall, approved February 12, 1879, be and the same is hereby repealed in so far as Marion county, Alabama, is concerned. ^{Act of 1879 repealed.}

Section 2. That hereafter justices of the peace and notaries public and ex-officio justices of the peace in Marion county, Alabama shall have and exercise the jurisdiction given them by the code and general laws of the State. ^{Jurisdiction of J. P.}

Section 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed. ^{Repeal.}

Approved Aug. 6, 1907.

No. 623.)

AN ACT

(H. 895.)

To repeal an act entitled an act, to provide for the election of the county superintendent of education by a vote of legal electors of Covington and Bullock counties, approved February 17th, 1885, so far as the same relates to Bullock county.

Act of 1885
repealed.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to provide for the election of the county superintendent of education by a vote of the legal electors of Covington and Bullock counties, approved February 17, 1885, be and the same is hereby repealed as to the county of Bullock.

Approved August 6th, 1907.

No. 626.)

AN ACT

(H. 1321.)

To repeal sections 4, 5, 6, and 8 of an act entitled an act to "better provide for working the public roads in the counties of Baldwin, Escambia, and Monroe," approved, February 9, 1901, in so far as the same applies to the county of Monroe, and to amend section twelve of said act and further regulate the working of the public roads in Monroe county.

Sections of Act
1901 repealed.

Section 1. Be it enacted by the Legislature of Alabama, That sections 4, 5, 6, and 8 of an act, to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, in so far as the same applies to Monroe county, are and the same are hereby repealed.

Section 12,
act 1901,
amended.

Section 2. That section 12 of said act in so far as it pertains to Monroe county, be and the same is hereby amended so as to read as follows: Section 12. That any road commissioner or any

overseer of any public roads in the counties of Baldwin, Escambia and Monroe who shall fail to perform duty required of him shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than (\$25.00) twenty-five dollars and that each overseer shall work his road not less than six days in each year. Penalty.

Section 3. That all persons between the ages of eighteen and fifty who are not exempt by general laws are subject to road duty. Those not gen-exempt.

Section 4. That all laws and parts of laws in conflict with this act are, and the same are hereby repealed. Repeal.

Approved August 6, 1907.

No. 629.)

AN ACT

(H. 1106.

To make it unlawful for any person to sell, give away or otherwise dispose of spirituous, vinous or malt liquors, within three miles of the school house known as the Powell school house in beat six (6) of Crenshaw county, Alabama, and to punish violations of the same.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person to sell, give away or otherwise dispose of spirituous, vinous or malt liquors within three miles of the school house known as the Powell school house in beat six (6) of Crenshaw county, Alabama. Sale of liquor prohibited.

Section 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than five hundred dollars, and may also be sentenced to hard labor for the county for not less than three nor more than twelve months. Penalty.

Approved August 16, 1907.

To establish, maintain and regulate a dispensary in the city of Uniontown, Perry county, Alabama, for the sale of spirituous or vinous liquors or malt liquors, wines, ciders or other intoxicating liquors and to establish a board of directors for the purpose of better controlling and managing the sale of spirituous or vinous liquors, malt liquors, wines, ciders or other intoxicating liquors; to provide for the distribution of the profits from the sale of said liquors in said dispensary between said city and said county, and for other purposes. Be it enacted by the Legislature of Alabama:

Dispensary established.

Control of; directors; election of; etc., etc.

Section 1. That from and after the first day of October, 1907, a dispensary under the name and style of the dispensary of the city of Uniontown, Alabama, shall be established for the purpose of better controlling and managing the sale of spirituous or vinous liquors, malt liquors, wines, ciders, or other intoxicating liquors, in the city of Uniontown, Perry county, Alabama, and that said dispensary shall be controlled and managed by the mayor and council of said city of Uniontown through a board of directors. Said board of directors shall be elected by the mayor and council of the city of Uniontown before October 1st, 1907, from the qualified voters of said city not now holding an office under said city, or position in the dispensary, subject to confirmation by the court of county commissioners of said Perry county to hold office until May 15th, 1908. At the expiration of which time their successors in office shall be appointed by the mayor and council of the city of Uniontown, which appointees shall be confirmed by the court of county commissioners of Perry county. That the powers of said board of directors shall be as follows: They may fill all vacancies in said board during their term of office by a majority

of votes of the remaining directors; to elect from their number a chairman and from the citizens of the city of Uniontown, a secretary and treasurer to require good and sufficient bond from said secretary and treasurer, and to cause said bond to be approved by the mayor and council of said city of Uniontown.

Section 2. That the dispensary directors provided for in this act shall maintain at some convenient place in the city of Uniontown, and within the corporate limits thereof, a dispensary for the sale of spirituous, vinous or malt liquors, wines, ciders and other intoxicating liquors and shall on the day after their qualification and organization, and annually thereafter, elect a man, who shall be of good moral character and sober habits, to be known as the manager of said dispensary, and who shall have charge and control of said dispensary, under supervision of said board of directors. Said manager shall be chosen for the term of one year; and may be removed at any time during his term of office by said board of directors for neglect of his duty or for violations of any laws or regulations of said board of directors, and said board of directors shall fill his unexpired term by the election of another man as manager of said dispensary. Said manager shall be required to take and subscribe an oath, that he will faithfully and honestly discharge all duties required by this act, and said manager shall also be required to give bond with good and sufficient surety, to be approved by the mayor and council of said city of Uniontown, in such sum as said mayor and city council may determine, conditioned to faithfully account for all goods and moneys that may come into his hands as such manager, and for the faithful performance of all the duties required of him by this act, and by such rules and regulations as such board of directors may enact. Said manager shall receive such salary as said board of directors may fix, and his compensation shall

Manager dispensary;
duties, term
of office, etc.

not be dependent upon the amount of sales; said salary shall not exceed one thousand dollars per annum.

Purchases, by
whom made.

Section 3. That said board of directors shall make all purchases of the stock of spirituous, vinous or malt liquors, wines, ciders and other intoxicating liquors necessary for the maintenance and operation of the dispensary and shall issue the same to the manager in such quantities as in their judgment may be deemed best, and that said manager shall under the direction and control of said board of directors at all times keep a stock of spirituous, vinous or malt liquors, wines, ciders, and other intoxicating liquors, in such quantities as said board of directors may direct, and sell the same only for cash, in quantities not less than one half pint, and not to exceed five gallons, and shall make no sales except for cash, and shall fill half-pint, pints, quarts and gallons, and shall turn over all money received by him to the secretary of said board of directors at the end of each day, and said secretary shall at the end of each week, turn over all money coming to his hands from said manager to the treasurer of said board of directors; but said office of secretary and treasurer may be united in one person, at the option of the board of directors.

Accounts,
how paid.

Section 4. That all accounts due by said dispensary for the maintenance and operation of the same, shall from time to time be paid by the treasurer upon such demand being presented to said treasurer and approved by a majority of said board of directors.

Rules, reg-
ulations.

Section 5. That said board of directors of said dispensary shall make from time to time rules and regulations for the operation of said dispensary not in conflict with the provisions of this act, and the laws of the State of Alabama, and the board of directors and manager of said dispensary shall at all times in the conduct and management of said dispensary conform to the laws of the State of Alabama, regulating the

same of spirituous, vinous or malt liquors, and the said manager shall conform to all the regulations that said board of directors may enact for the control, management and conduct of said dispensary which are not in conflict with the laws of this State.

Section 6. That no spirituous, vinous or malt liquors, wines, ciders or intoxicating liquors shall be drunk in the building or premises where said dispensary is located. Drinking in building prohibited.

Section 7. That said dispensary shall not be opened on any day before sunrise, and shall be closed each day at 7 o'clock p. m. and shall be closed on Sunday, elections days and the days before election day, and on such other days as the board of directors may direct the same to stand closed. Opening and closing.

Section 8. That the manager of said dispensary shall not sell to any person or persons any spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors, except in sealed packages, but that said board of directors shall purchase said spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors in such quantities as they may deem best, and keep the same in a separate room under lock and key, to which none except said board of directors and the mayor and council of the city of Uniontown, shall have the right to go, but that said board of directors shall have the power and authority to call in the manager and any of his assistants to aid in the bottling and sealing of said spirituous, vinous and malt liquors, wines, ciders and other intoxicating liquors for use in said dispensary, and when so bottled and sealed the same shall be turned over to the manager to be sold in such sealed and bottled condition. All sales in sealed packages.

Section 9. That said manager shall make a monthly report to said board of directors showing the exact financial condition of the said dispensary and the said board of directors, mayor and city council shall at any time when they see proper make an investigation of the correct- Monthly report.

ness of said report, and check the balance of said matters pertaining to said dispensary.

Loitering un-
lawful.

Section 10. That the manager of said dispensary shall not allow, and it is hereby made unlawful, for any person or persons to loiter in or about the said dispensary or the premises where the same is located, and for failure to enforce this section of this act, the manager of said dispensary shall be removed from office.

Authority city
council, duties
of, etc.

Section 11. That the mayor and council of the city of Uniontown shall have the power and authority to carry out the provisions of this act, and it shall be the duty of said mayor and council of the city of Uniontown immediately after the passage of this act and the organization of the said board of directors to turn over to said board of directors the entire stock of spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors then in the dispensary now being operated by said city of Uniontown, under an act approved February 4th, 1903, taking a receipt from said board of directors for the same, and furnishing them with invoices of all goods so delivered to said board of directors together with a statement of the unpaid bills therefor; and it shall be the duty of said board of directors out of the revenue of said dispensary herein provided for to pay the said unpaid bills, and said mayor and council shall have power of authority to provide suitable penalties for the violations of any of the provisions of this act, and to make such examination of the mode of conducting said dispensary as they may deem necessary, and for that purpose have the right to enter any building or room where any of the property belonging to the dispensary is kept for sale or deposit.

May pro-
vide pan-
alties.

Funds for
operating.

Section 12. That said dispensary shall be maintained and operated from the funds arising from the sale of said spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors; and said mayor and council of said city of Uniontown, in order to inaugurate said dis-

pensary, shall be, and they are hereby authorized, to invest therein a sum of money not exceeding two thousand (\$2,000.00) dollars of the funds of said city.

Section 13. That on and after October 1st, 1907, and on January 1st, April 1st, July 1st, and October 1st, of each year thereafter, one half of the net profits of said dispensary shall be paid into the treasury of Perry county, Alabama, to be used exclusively on the public roads of said county, under the direction of the court of county commissioners of said county; and on and after said date one-half of the net profits of said dispensary shall be paid into the treasury of the said city of Uniontown. Division and disposition of profits.

Section 14. That the board of directors, each, provided for in this act, shall receive a salary of twenty-five dollars per annum, and the secretary and treasurer shall be paid each fifty dollars per annum; said salaries to be paid out of the revenue arising from said dispensary. Salary of directors.

Section 15. That on and after the passage of this act, that mayor and council of the city of Uniontown, are hereby prohibited from issuing, renewing or granting any license for the sale of spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors within the corporate limits or police jurisdiction of the city of Uniontown. Council prohibited from issuing license.

Section 16. That said board of directors before entering upon the sale of said spirituous, vinous or malt liquors, wines, ciders and other intoxicating liquors, shall secure a license to sell the same as now required by law. Disbursement secure license.

Section 17. That the court of county commissioners of said county shall have the authority to inspect the books, business and affairs of said dispensary whenever they shall see fit to do so, and to that end may appoint an examiner of accounts to audit the books and affairs of said dispensary. County commissioners; authority of.

Section 18. That all laws and parts of laws

Repeal.

in conflict with the provisions of this act be and the same are hereby repealed.

Conditions
for payment to
county.

Section 19. That in the event any election is held in the county of Perry, prior to October 1st, 1907, whereby the said county goes for prohibition, and the validity of said election is not set aside or held for naught, then in that event, the mayor and council of the town of Uniontown, shall not pay any portion of such revenue in the county treasury.

Approved August 6th, 1907.

No. 633.)

AN ACT

(H. 952.)

To alter and rearrange the boundary lines and corporate limits of the town of Elyton, Jefferson county, Alabama.

Boundary
lines.

Territory em-
braced.

Section 1. Be it enacted by the legislature of Alabama, That the boundaries and corporate limits of the town of Elyton, Jefferson county, Alabama, be and the same are hereby changed, altered and rearranged so that the corporate limits of said town shall embrace and include all that territory of land embraced and included in the following limits and boundaries, to-wit: Begin at the intersections of the present western corporate limits of the city of Birmingham, Alabama, with the north side of Second avenue north of said city of Birmingham, thence northwardly along the said present corporate limits of Birmingham to the intersection of the east side of Walker street Smithfield, thence southwardly along the east side of said Walker street to the center of the storm water canal running westwardly from the corporate limits of Birmingham through what is known and called Smithfield, thence westwardly along the center of said storm water canal to the intersection of the north line of section (2) and three (3), township eighteen (18), range three (3) west

running east and west, thence west to the north-west corner of the northeast quarter of section three (3), township eighteen (18), range three (3), west thence south to the south side of said storm water canal, thence westwardly along the south side of said canal to the intersection of the present corporate limits of the town of West End, Jefferson county, Alabama, thence southwardly along the present eastern corporate limits of the town of West End to the intersection of the center line of section three (3), township eighteen (18), range three (3), west running north and south, thence south to the center of section ten (10), township eighteen (18), range three (3), west, thence east to the east line of section eleven (11), township eighteen, range three (3), west, thence north to the intersection of the present corporate limits of the city of Birmingham, thence westwardly and northwardly along the said present corporate limits broken of the said city of Birmingham to the point of beginning.

Section 2. All laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed. ^{Repeal.}

Approved August 6th, 1907.

No. 634.)

AN ACT

(H. 900.

To amend sections 2, 3, 6, 10, 11, (as amended March 2, 1901) of an act, to establish a county court for the county of Clay, approved Dec. 13th, 1898.

Section 1. Be it enacted by the legislature of Alabama, That the section 2 of an act to establish a county court for the county of Clay, approved Dec. 13th, 1898, be amended so as to read as follows: ^{Act of 1898 amended.}

Section 2. That a judge for said county court shall be appointed by the governor of the State

Judge county
court ap-
pointed by gov-
ernor; term of
office.

within fifteen days after the approval of this act, whose term of office shall be six years from the date of his appointment, and in like manner said judges successors shall be appointed every six years thereafter until 1910 at the general election in November, 1910, there shall be elected by the qualified electors of Clay county a judge of said court who shall hold his office for six years from the second Monday in Jan., 1911, or until his successor is elected and qualified, and said judges successors shall be elected in like manner every six years after the November election 1910.

Oath.

The judge so appointed by the governor or elected as herein provided shall take the oath of office as required by laws to be taken by judges of the circuit courts and shall be removed from office for the same causes, and in the same manner as judges of the circuit courts. He shall have and exercise all the jurisdiction and powers which are or may be hereafter lawfully exercised by judges of the circuit courts and chancellors of the State, including authority to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, ne exeat and all remedial writs returnable to any courts in this State.

Jurisdiction
and powers.

Section 3,
act amended
1901, amend-
ed.

Section 2. That section 3 of said act be amended so as to read as follows: Section 3. Be it further enacted, that the judge of said county court shall be a citizen of Clay county at the time of his appointment or election and during his continuance in office shall reside in said county, and at the time of his appointment or election shall have been a citizen of the State for a period of five years next preceding his appointment or election and shall not be less than twenty-five years of age and learned in the law. Vacancies in the office of the judge of the said county court shall be filled by the governor and the person so appointed shall hold said office until his successor shall be appointed and qualified.

Section 6,
act amend-
ed 1901,
amended.

Section 3. That section 6 of said act be amended so as to read as follows: Section 6. Be it further enacted, that said county court shall

be held in the court house of said county and the records thereof in all cases of law kept in the office of the clerk of said court. Said court shall hold two regular terms in each year; special terms may also be held when in the opinion of the judge of said court it shall be necessary for the proper transaction of business, of which special term ten days notice shall be given by publication in some newspaper in said county. Regular terms of said court shall be held as follows: Beginning on the first Monday in March in each year and continuing until the last Friday in July and on the first Monday in September in each year and continuing until the last Friday in January. Said court may take recesses from time to time during the terms thereof, when the business will permit.

Section 4. That section 10 of said act be amended so as to read as follows: Section 10. Be it further enacted, that there shall be appointed a solicitor for said court whose term of office shall continue for six years, and until his successor is appointed and qualified, provided, that on and after the year 1910 the said solicitor shall be elected by the qualified voters of Clay county every four years and hold office for four years or until his successor is elected and qualified and provided further that at the general election in November, 1910, a solicitor for said court shall be elected by the qualified electors of said county who shall hold his office for four years from the second Monday in January, 1911, or until his successor is elected and qualified such solicitor shall be appointed by the governor of the State within fifteen days from the approval of this act and the subsequent appointments shall be made by the governor of the State, on or before the expiration of the term of office of the incumbent to take effect upon such expiration, such appointment shall not be made exceeding fifteen days before the time of office for which the incumbent was appointed shall expire. In the event of the death of such solicitor or his res-

Section 10
act 1901
amended.

ignation or his removal from office the governor shall appoint his successor who shall hold office during the unexpired term. Such solicitor shall be learned in the law and at the time of his appointment or election shall be a citizen of Clay county and shall remain so during his continuance in said office. Said electors shall be charged with the performance of the same duties in said court and subject to the same liabilities and penalties in respect thereto as by law are imposed upon circuit solicitors in like cases in the circuit courts of the State, and said solicitor shall receive for his compensation for such services the same fees as are taxed by law for solicitors fees in criminal cases in the circuit courts of the State to be taxed and collected in said county in the same manner as such fees are taxed and collected in said circuit courts.

Section 11,
act 1901,
amended.

Section 5. That section 11 of said act (as amended March 2, 1901), be amended so as to read as follows: Section 11. Be it further enacted that there shall be two jury terms in said court in each year for the trial of felonies and all misdemeanors and civil causes in which trial by jury shall be demanded. One to commence on the second Monday in January and one on the second Monday in July and may continue till the business of the court on the jury docket shall have been disposed of, and that grand and petit jurors for the trial of causes in said court shall be drawn by the judge and clerk of said court in the same manner as is now or may hereafter be, provided by law for drawing juries for the circuit courts of the State, but not exceeding twenty-four petit jurors shall be drawn for any one week, said juries shall be drawn at least twenty days before the first day on which they are to serve, and they shall be summoned as is or may hereafter be provided by law for summoning and impaneling such juries in the circuit courts, and said county courts shall have the same power and authority to order a special venire and to

summon, swear and impanel tales jurors as the circuit courts of the State provided that the juries for the trial of capital cases shall be drawn, summoned and impaneled as is now or may be hereafter provided by law for drawing, summoning and impaneling juries for the trial of capital cases in the circuit courts of the State. Provided that grand juries shall be summoned to attend said court on the second Monday in June and December in each year when they shall be organized and impaneled and may continue in session until the business before them is disposed of not however to exceed two weeks in any one term; Provided further that on the request of the judge of said court, the probate judge of said county of Clay shall deliver the jury box of said county to such judge and clerk for the purpose of drawing juries as herein above in this and other sections provided. The challenges of juries shall be the same as now or hereafter may be provided by law in the circuit courts of the State and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court except as otherwise provided in this act provided that grand juries shall be impaneled and organized on the days herein above mentioned in this section unless the judge of the court deem such grand jury necessary. In which case he may by order in writing spread on the minutes of the court, direct the clerk not to issue a venire for grand jurors at such terms provided further that whenever in the opinion of the judge of said court it is necessary to organize a grand jury for the investigation of any capital offense or any homicide or any assault with intent to ravish committed in said county the judge of said court may by an order made and entered upon the minutes of said court order a special grand jury drawn and summoned for that purpose and may organize, impanel and charge such special grand jury and said grand jury shall proceed at once to investigate the matter for which it was organized after which it

shall adjourn; and the judge may in like manner order a special petit jury drawn and summoned for the purpose of trying any person indicted by said special grand jury and may proceed to organize and impanel such special petit jury to try such causes at any time he may deem such proceedings necessary.

Section 12, act
1901, amend-
ed.

Section 6. That section 12 of said act be amended so as to read as follows: Section 12. Be it further enacted, that in all civil cases at law in said court the issue and question of fact shall be tried by the court without the intervention of a jury unless a jury be demanded by the plaintiff at the commencement of the suit by indorsing such demand on the summons and complaint or other original process or by the defendant or other party at his appearance by indorsing such demands in writing on the plea of demurrer or other pleading; and all cases brought to said court by appeal or certiorari shall be tried by the court without the intervention of a jury unless a jury is demanded by appellant within seven days after appeal is taken or by appellee within seven days after service on him of notice of appeal; such demand in either case to be in writing filed with the clerk of said court, provided that when a cause is transferred to said county court the demand for a jury shall be made at the time of the application for such transfer and the failure to demand a jury as above directed shall be deemed and held as a waiver of the right to trial by jury; provided that whenever a jury is demanded by either party in any civil cause the party so demanding a jury shall deposit with the clerk of said court and by him paid into the county treasury a jury tax fee of four dollars which said fee shall be taxed in the bill of costs on the final disposition of the case as a part of the costs and when collected shall be refunded to the party paying the same.

Approved August 6, 1907.

No. 638.)

AN ACT

(H. 1184.

To amend an act entitled 'an act to prevent the running at large of stock in certain portions of Elmore county, approved February 18th, 1891. Be it enacted by the legislature of Alabama, that section one of an act entitled an act to prevent the running at large of stock in certain portions of Elmore county, be amended so as to read as follows:

Section 1. Be it enacted by the legislature of Alabama, That it shall not be lawful for stock of any kind or description to run at large in that portion of Elmore county, known and described as beat 16, township 17, range 17, and those portions of beat 10 and beat 17, township 18, range 17, south of a line beginning at the half mile post in section 19, township 18, range 17 on the dividing line between the counties of Elmore and Autauga, and also all of that territory lying north of the south bank of Little Mortar creek and Big Mortar creek in beats 10 and 17. ^{Act of 1891 amended.}

Approved August 6, 1907.

No. 640.)

AN ACT

(H. 223.

To repeal an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers, in Marion county and other counties, approved February 8th, 1877, so far as the same relates to Marion county.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers in Marion and other counties, approved February, 1877, be ^{Act of 1877 repealed.}

and the same is hereby repealed so far as the same relates to Marion county, Alabama.

Approved August 6th, 1907.

No. 643.)

AN ACT

(H. 1314.

To abolish and close the dispensary at Headland, Henry County, Alabama.

Dispensary
abolished.

Section 1. Be it enacted by the legislature of Alabama, That the dispensary at Headland, Henry county, Alabama, shall be on November 1st, 1907, abolished and closed.

Dispensary
prohibited.

Section 2. That after November 1st, 1907, it shall be unlawful to run or operate a dispensary at Headland, Henry county, Alabama.

Repeal.

Section 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved August 7, 1907.

No. 650.)

AN ACT

(H. 1238.

To regulate dispensaries now operated, or which may be operated by municipalities in the county of Geneva; to prescribe and fix a license on each dispensary in addition to that already imposed under the general law; to provide for the payment of such license fee to the judge of probate of Geneva county, and to give the court of county commissioners power to disburse the fund created by such license, at its discretion, either in building, repairing or furnishing, school houses and buildings exclusively for rural districts of Geneva county, or for repairing the public roads of Geneva county, or for supplementing pensions to pensioners of the first-class, or for all said purposes, and to pro-

vide a penalty for the failure to pay such license.

Section 1. Be it enacted by the legislature of Alabama, That each municipality now operating, ^{Municipalities must pay annual li-} or which may hereafter operate and maintain a dispensary for the sale of liquors, or other intoxicants in the county of Geneva, shall pay annually to the judge of probate of the county of Geneva, in addition to the amount now required to be paid under the general law, the following amount, to-wit: Towns or cities of not less than one thousand people, (\$750.00); towns or cities of more than one thousand and less than fifteen hundred people, (\$1000.00); towns or cities of more than fifteen hundred and less than two thousand people, (\$1,500.00); towns or cities of more than two thousand people and less than twenty-five hundred people, (\$2000.00); and towns or cities of more than twenty-five hundred people, (\$2500.00). And the population of each town shall be determined as hereinafter provided.

Section 2. That the amount herein required of any town or city shall be paid as follows: one-fourth thereof on or before January 15th, one-fourth on or before April 1st, one-fourth on or before July 1st, and the remaining one-fourth on or before October 1st of the year in which the dispensary is operated; ^{Requirements as to payment of license} Provided, however, that any municipality which shall commence operating a dispensary after July 1st, may pay only one-half the amount required for the full year.

Section 3. That the proceeds collected from this source shall be paid over to the county treasurer by the judge of probate and shall be kept by said treasurer in a separate fund known and designated as the "dispensary fund" and shall be paid out by him on warrants ordered by the court of county commissioners and drawn for any of the purposes hereafter named and shall be paid on no other account. ^{Funds kept separate.}

Section 4. That the funds derived from this

Funds, for
what purpose
used.

license shall be under the exclusive control of the court of county commissioners of Geneva county, and said court shall have the right, and it is hereby made its duty to use said fund for any or all of the following purposes and none other, to-wit: (a) To improve the public roads of Geneva county, and keep same in repair; (b) to build, repair or furnish school buildings exclusively in the rural districts of the county; provided that no money shall be appropriated for the purpose of building, repairing or furnishing any school, unless and until the patrons of such school shall collect and pay to the judge of probate an amount equal to one-third of the proposed appropriation, and provided, further, that no appropriation for building, repairing or furnishing any school shall exceed the sum of five hundred dollars; (c) to supplement the amount appropriated to each pensioner of the first-class in Geneva county, not to exceed twenty-five dollars to any one.

Expenditures
must be made
under contract.

Section 5. That the money expended by the court of county commissioners in improving the roads and in building, repairing or furnishing school buildings shall be done so under contract to responsible bidders and contractors, and it shall be the duty of the court of county commissioners in every case where contract is let hereunder to require of the contractor a good and sufficient bond, in such sum as may be by it prescribed, for the faithful performance of the contract, provided, however, that if there is at this session of the legislature any local road law passed for Geneva county, then such local law, as to disbursement of the road funds created thereby, and as to contracts as the improvement of such roads, shall govern as to disbursement of the road fund herein created and the contract with respect to them.

County courts
to have census
made.

Section 6. That it shall be the duty of the court of county commissioners between January 1st, and 15th of each year, in all cases where such court has doubt as to whether the population of

any town operating a dispensary, has less than one thousand inhabitants to cause a census of the population thereof to be taken, and the license herein required shall be determined according to the census thus taken, and the expense of such census shall be paid out of the fund herein created.

Section 7. That any person, firm or municipality who shall engage in the operation of a dispensary without having taken out a license as herein required, or without paying the amount as herein provided. The amount to be based upon the population as ascertained by the preceding section, shall be guilty of a misdemeanor, and on conviction shall be fined double the amount of the license required, as a right to operate such dispensary. Failure to comply with law. Penalty.

Section 8. That this act shall take effect on January 1st, 1908. Effective.

Section 9. That all laws and parts of laws in conflict with the provisions hereof, except as provided in section 5, be and the same are hereby repealed. Repeal.

Approved August 9, 1907.

No. 652.)

AN ACT

(H. 1341.)

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, cordials, or other intoxicating drinks or beverages within four miles of Pleasant Home Missionary Baptist church, Siloam Missionary Baptist church, or Ivey Creek public school house, all in Crenshaw county, Alabama, to provide the time when it shall be in force, and to fix the punishment for the violation thereof.

Section 1. Be it enacted by the legislature of

Sale of liquors
prohibited.

Alabama, That on and after the approval of this act it shall be unlawful for any person, firm or corporation to sell, give away, or otherwise dispose of spirituous, vinous, or malt liquors, intoxicating bitters, cordials, or other intoxicating drinks or beverages within four miles of Pleasant Home Missionary Baptist church, or Ivey Creek public school house, all in Crenshaw county, Alabama.

Penalty for
violation.

Section 2. Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense, not less than twenty-five, nor more than one hundred dollars, and may also be sentenced to hard labor for the county for not less than thirty days, nor more than six months; provided that nothing herein contained shall be so construed as to prevent the use of wine in churches for communion purposes.

Approved August 9, 1907.

No. 653.)

AN ACT

(H. 1234.)

To authorize and direct the court of county commissioners of Crenshaw county to pay for advertising the notice and substance of local bills introduced in the legislature for said county, out of any money in the treasury not otherwise appropriated, when the bill applies to the entire county and ordered published by the representative of said county, and this act shall apply to and include the notice and substance of bills advertised at, and during the present session of the legislature.

County Commissioners authorized to pay for advertisements.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Crenshaw county be authorized and directed to pay for advertising the notice and sub-

stance of local bills introduced in the legislature for said county out of the money in the treasury not otherwise appropriated, when the bill applies to the entire county and is ordered published by the representative of said county, and this act shall apply to and include the notice and substance of bills advertised at and during the present session of the legislature.

Approved August 9, 1907.

No. 654.)

AN ACT

(H. 1066.

To vacate and annul the dedication of the following highways and parts of highways, situated in Jefferson county, Alabama, to-wit: All of Sadler avenue; the south half of Lucian avenue from center of Emma street to center of Telula street, all of Lucian avenue from center of Telula street, to eastern boundary of Ella street; all of Ella street lying south of a continuation of the south line of the alley running easterly and westerly through block twenty-five and north of center of Valley creek canal; all of Telula street lying south of center of Lucian avenue and north of center of Valley creek canal; the east half of Telula street lying between a continuation of the south line of the valley running easterly and westerly through block twenty-five and center of Lucian avenue; all of Emma street lying south of a continuation of the south line of the alley running easterly and westerly through block twenty-eight and north of the center of Valley creek canal; the east half of Emma street lying between the continuation of the south line of the alley running easterly and westerly through block twenty-eight and the center of Lucian avenue; and all the alleys in or through blocks twenty-nine, thirty and

thirty-one; all being located according to the survey, map and plan of Owenton, a map of which is recorded in map book two, at page twenty-six in the office of the probate judge of Jefferson county, Alabama.

Dedication of
certain high-
ways vacated
and annulled.

Be it enacted by the legislature of Alabama, That the dedication of the following highways and parts of highways, situated in Jefferson county, Alabama, be and the same are hereby vacated and annulled; said highways and parts of highways being described as follows: All of Sadler avenue; the south-half of Lucian avenue from center of Emma street to the center of Telula street; all of Lucian avenue from center of Telula street to eastern boundary of Ella street; all of Ella street lying south of a continuation of the south line of the alley running easterly and westerly through block twenty-five and north of center of Valley creek canal; all of Telula street lying south of center of Lucian avenue and north of center of Valley creek canal; the east half of Telula street lying between a continuation of the south line of the alley running easterly and westerly through block twenty-five and center of Lucian avenue; all of Emma street lying south of a continuation of the south line of the alley running easterly and westerly through block twenty-eight and north of the center of Valley creek canal; the east half of Emma street lying between the continuation of the south line of the alley running easterly and westerly through block twenty-eight and the center of Lucian avenue; and all the alleys in or through blocks, twenty-nine, thirty and thirty-one; all being located according to the survey, map and plan of Owenton, a map of which is recorded in map book two, at page twenty-six, in the office of the probate judge of Jefferson county, Alabama. Provided that this act shall not be held or construed to vacate or otherwise interfere with the public road now located and established along and across the property included within the

boundaries of the streets, alleys and avenues herein mentioned.

Approved August 9, 1907.

No. 656.)

AN ACT

(H. 515.

To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the code of Alabama, and to provide for the transfer of all the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes and everything pertaining to such causes, pending in said court, by the clerk thereof to the Morgan county law and equity court.

Section 1. Be it enacted by the legislature of Alabama, That the county court of Morgan county, Alabama, provided for in and by article 3, chapter 142, of the code of Alabama, 1896, be, and the same is hereby abolished and its jurisdiction annulled. County court abolished.

Section 2. It is hereby made the duty of the clerk of said county court to transfer to the Morgan county law and equity court of all the cases of every kind and description pending in said court at the date of the approval of this act, together with all papers, records, processes, and everything pertaining to such causes pending in said county court and said causes, so transferred to said Morgan county law and equity court, shall stand for trial in said court as if originally filed or begun therein; and the said Morgan county law and equity court shall have the same jurisdiction and powers in regard to said causes, and all papers, records, processes, and everything pertaining to such causes, as the said county court now has in reference thereto. Cases transferred to law and equity court.

Cases on appeal; if remanded, to law and equity court.

Section 3. All causes now pending in the supreme court of Alabama, on appeal from said county court of Morgan county, shall, if reversed and remanded, be remanded to said Morgan county law and equity court, and shall thereafter stand in said Morgan county law and equity court as if originally brought therein; and all causes pending in said supreme court on appeal from said county court, if affirmed, shall be proceeded with in said Morgan county law and equity court as if originally brought therein.

Effective.

Section 4. This act shall go into effect immediately upon its approval by the governor.

Approved August 9, 1907.

No. 657.)

AN ACT

(H. 970.

To prohibit the sale, giving away, or otherwise disposing of beer, whisky, or other intoxicating drinks or beverages, within one mile of the Barkersville Baptist church, at Pritchard, in Mobile county, Alabama, and provide a penalty for a violation of this act.

Sale of liquors prohibited.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, firm, corporation or association, to sell, give away or otherwise dispose of beer, whiskey, or other intoxicating drinks or beverages, within one mile of the Barkerville Baptist church, as the same is located at Pritchard, Mobile county, Alabama.

Penalty.

Section 2. Any person, firm, and any officer of any corporation or association, who violates the provisions of this act, or knowingly permits a violation thereof on or about the premises owned or controlled by them, shall be deemed guilty of a misdemeanor, and upon conviction must be imprisoned in the county jail for thirty

days, and may be fined not less than fifty, nor more than two hundred dollars for each offense.

Approved August 9th, 1907.

No. 658.) AN ACT (H. 1376.

To prohibit the sale, barter or exchange of spirituous, vinous or malt liquors, or other intoxicating drinks, in Henry county, and to provide punishment of violator of said act.

Section 1. Be it enacted by the legislature of Alabama, That after the passage of this act it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous or malt liquors, or other intoxicating drinks in Henry county, Alabama, by or through a dispensary, in an open bar or in any other manner. Sale of liquors prohibited.

Section 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months. Penalty.

Section 3. That all laws and parts of laws in conflict with the provisions of this act, be and they are hereby repealed so far as they relate to and effect Henry county. Repeal.

Section 4. That this act shall go into effect and become operative on the first day of November, 1907. Effective.

Approved August 9, 1907.

No. 659.) AN ACT (H. 869.

To authorize the town of Enterprise in Coffee county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to regulate the sale thereof.

Authority to
sell liquors.

Dispensary.

Dispenser,
qualifications
of.

Control and
conduct by
board of com-
missioners.

Commission-
ers. Terms of
office.

Section 1. Be it enacted by the legislature of Alabama, That the town of Enterprise, in Coffee county, Alabama, shall have authority to conduct and carry on in its corporate name, in its corporate capacity, and in the manner herein provided, the business of buying and selling spirituous, vinous, and malt liquors. The place at which said business is carried on shall be called a dispensary. Said municipality shall invest in said business a sum of money not less than three hundred dollars, and not more than twenty-five hundred dollars. The liquors bought and sold as herein provided, shall be of the purest and best quality.

Section 2. The office of dispenser, for said dispensary, is hereby created who shall be elected within three months after the approval of this act by the board of commissioners hereinafter created. Said dispenser shall be a resident householder and freeholder of said municipality and possess the qualifications of an elector under the general laws. The first dispenser to be elected to said office shall hold said office for a period of one year from the time of his election and the terms of his successors shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Section 3. That the affairs and business of said dispensary shall be managed, controlled and conducted by a board of three commissioners, who shall each be a resident citizen of said municipality, and who shall possess the character and qualifications of electors under the general laws. That T. A. Byrd, R. B. Martin, and B. W. Fleming be and they are hereby constituted said board of commissioners, and that the term of B. W. Fleming shall expire on the first day of January, 1909; that the term of R. B. Martin shall expire on the first day of January, 1910; that the term of the said T. A. Byrd shall expire on the first day of January, 1911, and the successors of said commissioners whose terms have so expired shall be elected by

the board of mayor and councilmen of said municipality at their last regular meeting of each year, and each of said commissioners to be elected shall hold office for a term of three years from the commencement of his term.

Section 4. That the dispenser elected under the second section of this act, shall besides having the qualifications prescribed therein, be a man of moral character and sober habits, and he shall have charge and control of said dispensary under the supervision of said commissioners. Said board may remove said dispenser and it shall be their duty to do so for the violation of any laws governing or applying to said dispensary, or any ordinance of said town of Enterprise regulating the same, not inconsistent with this act, and upon such removal, they shall fill the unexpired portion of his term by the election of another person as dispenser. Said dispenser shall be required to take and subscribe an oath that he will faithfully and honestly discharge all duties required of him by this act, and he shall be required to give bond, with good and sufficient sureties, to be approved by said commissioners, in such sum as said board may determine, to be not less than one thousand dollars, conditioned to faithfully account for all goods and moneys that may come into his hands as such dispenser, and for the faithful performance of all duties required of him by this Act, and by such rules and regulations as the said commissioners may adopt. Said dispenser shall receive such salary as said commissioners may fix, not to exceed eight hundred dollars, and his compensation shall not be dependent upon the amount of sales.

Section 5. Said board of commissioners shall at all times keep a stock of spirituous, vinous, or malt liquors, wines, beer, cider and other intoxicating liquors in such quantities as they may deem proper. The same shall be sold only for cash in quantities not to exceed four gallons, and not less than one half pint, and the dispenser shall turn over all moneys received by him on ac-

count of such sales to the secretary and treasurer of said commissioners at the end of each day, and take his receipt for the same.

Accounts, how
paid.

Section 6. That all accounts due by said dispensary for the maintenance and operation of the same shall be paid by the treasurer upon such demand being presented to the secretary and approved by a majority of said commissioners. The purchase of all stock for said dispensary shall be made by said commissioners, a majority of whom shall be required to concur in such purchase. That all purchases shall be made for cash.

Rules and reg-
ulations.

Section 7. That said board of commissioners shall make from time to time rules and regulations for the operation of said dispensary not in conflict with this Act, and the laws of the State of Alabama, and said commissioners and dispenser shall at all times in the management and conduct of said dispensary conform to the laws of the State of Alabama regulating the sale of spirituous, vinous, and malt liquors, and the said dispenser shall conform to all of the regulations that said board of commissioners may enact for the control, management and conduct of said dispensary, which are not in conflict with the laws of this State.

Liquors, drink-
ing of prohib-
ited.

Section 8. That no spirituous, vinous or malt liquors shall be drank in the building or on the premises where said dispensary is located.

Opening and
closing

Section 9. That said dispensary shall not be opened on any day before six o'clock, and shall be closed on each day by six o'clock in the evening, and it shall not be opened on Sundays and election days, and on such other days as the commissioners, or a majority of them, shall direct the same to stand closed.

All sales in
sealed packa-
ges.

Section 10. That the dispenser shall not sell to any person or persons any spirituous, vinous or malt liquors, wines, ciders, beer or other intoxicating liquors, except in sealed packages and the said dispensary shall not keep any broken packages in said dispensary. Whenever a pack-

age is broken it shall be at once bottled and sealed and sold by said dispenser in such sealed condition.

Section 11. That said dispenser shall make a monthly report to said board of commissioners ^{Monthly re-} showing the exact financial condition of said ^{port.} dispensary, and the said board of commissioners shall at any time when they see proper make an investigation of the correctness of said report, and check up the balance of matters pertaining to said dispensary.

Section 12. That the dispenser shall not allow, and it is hereby made unlawful, for any per- ^{Loitering pro-} son or persons to loiter in or about said dispen- ^{hibited.} sary, or on the premises where the same is situated, and for failure to enforce this section said dispenser shall be removed from office.

Section 13. That the mayor and town council of the town of Enterprise shall have power ^{Town council,} and authority to pass all ordinances to carry out ^{power and au-} the provisions of this act, and to provide suitable ^{thority.} penalties for the violation of any of the provisions of this act.

Section 14. That the board of commissioners of the dispensary shall appropriate fifty per cent ^{Net profits ap-} of the net profits of said dispensary to the pub- ^{propriated.} lic schools of Coffee county, and the same shall be applied in the same proportion as the public school fund from other sources are applied. Said fifty per cent shall be paid to the persons entitled to receive the same as provided by law. That the remainder of the net proceeds of said dispensary shall be paid into the treasury of said town. that said sums shall be appropriated and paid as aforesaid quarterly or four times a year.

Section 15. That the said board of commissioners shall at the end of each quarter and ^{Report filed} the same time when they make said appropria- ^{with mayor.} tions and pay said money as directed by the preceding section, make and file with the mayor and council of said municipality a full and complete report of all purchases, receipts, expenditures, and disbursements for the preceding three

months, so that a fair account of the business may be shown thereby. Said report shall be published in a newspaper for at least one week upon the filing of the same.

Power of
town council.

Section 16. That the mayor and councilmen of the town of Enterprise are authorized and empowered to pass ordinances for the enforcement of the provisions of the last preceding section, with penalties for its violation.

Commissioners,
salary
of.

Section 17. That the commissioners provided for in this act shall receive a salary of \$25.00 per annum, and the secretary and treasurer shall be paid \$25.00 per annum additional. Said salaries to be paid out of the net proceeds of the dispensary.

License, council
cannot issue
others.

Section 18. That on and after the passage of this act, the city council of the town of Enterprise, and other officers of said town are hereby prohibited from issuing, granting, or renewing any license for the sale of spirituous, vinous, or malt liquors within the incorporate limits of said town.

Suit on bonds.

Section 19. That for any breach of either of the bonds to be executed under the provisions of this act, suit may be brought thereon in the name of the town of Enterprise for the use of said town and the persons entitled to receive that portion of the net proceeds to be used for school purposes, and the recovery therein shall be paid according to the interests of said town and persons therein.

Impeachment
of commis-
sioners.

Section 20. That the commissioners or either of them may be impeached by the mayor and councilmen upon at least five days notice, with specifications in writing of the charges preferred, for any malfeasance, willful misconduct, or neglect of duty, or for the violation of any law or ordinance regulating or pertaining to said dispensary, but the right of appeal shall be had in favor of either party to the circuit court to be taken as provided for appeals from the justice courts in civil cases.

Section 21. That no spirituous, vinous, or malt liquors, wines, ciders, beers, or other intoxicating drinks of any kind shall be sold within the incorporate limits of said town except as herein provided. Sale prohibited

Section 22. That all laws and parts of laws in conflict with this act or any part thereof, be and the same are hereby repealed. Repeal.

Section 23. This act shall not take effect until the first day of January, 1908. Effective.

Approved August 9, 1907.

No. 660.)

AN ACT

(H.1054.

To require of the court of county commissioners of Marion county, Alabama, to use two mills each year of the two and one-half mills now used for bridges for the improvement of the public roads of the county through a public road superintendent or superintendents to be appointed by said court of county commissioners which court shall fix their compensation to be paid out of said fund to allow all persons subject to road duty in said county to pay \$5.00 instead of working the ten days now required, and to provide how and when this law shall go into effect.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Marion county, Alabama, are required to levy, set aside, and use two mills each year of the two and one-half mills now used for bridges, for the improvement of the public roads of the county. Two mills levy for public roads.

Section 2. That it shall be the duty of the said court of county commissioners to appoint a public road superintendent or superintendents who shall execute a bond or bonds to be conditioned, approved, filed and recorded, as other Road Supt.

official bonds, by the judge of probate of the county, and said bonds shall have the same force and effect as the bonds of the tax collector of the county.

Compensation
of Supt., how
paid.

Section 3. Said road superintendent or superintendents shall be paid not exceeding \$2.00 per day for each day actually engaged in the work of improving the public roads of the county, or in supervising the work on said roads, to be paid out of the fund herein provided on warrant on the county treasurer after the account shall have been allowed by the court of county commissioners, the said account having been itemized and verified as provided by law. Said superintendent or superintendents shall work under the direction of the court of county commissioners.

Authority of
Supt.

Section 4. Said road superintendent or superintendents shall be skilled in road working and he shall be authorized to employ competent labor, teams, wagons, plows, and other tools, and machinery as approved by the court of county commissioners and to purchase from time to time such tools and machinery as may be approved by said court, all prices for labor, tools, and machinery to be set or approved by said court prior to any employment or purchase by said superintendent or superintendents.

Payment of
road fees.

Section 5. Any person subject to road duty in said county may discharge the same by paying to said superintendent or superintendents the sum of \$5.00 on or before the first day of February of each year taking receipt for same, said superintendent receiving the same must immediately or as soon as practicable report the same to the county treasurer under oath and said superintendent shall pay out said money for labor and teams used on said roads reporting the same to the next term of the commissioners' court of said county, along with and included in his general report of his work.

Overseer to
meet Supt.

Section 6. When said road superintendent or superintendents or any one of them shall be en-

gaged in working on a certain public road after the first day of February of each year, he shall notify the overseer of said road to meet him with his hands at a given time and place, the overseer being hereby required to give his hands legal warning to appear as now required by law, and said overseer and his hands shall proceed to work under said superintendent the number of days required by him not to exceed ten days in any one year.

Section 7. This law shall in no way interfere with the duties and liabilities of road officers and road hands in the county, except as herein provided. Road overseers duties not interfered with.

Section 8. This law shall not go into effect until the beginning of tax year, beginning on the first day of October, 1909. Effective.

Section 9. At the general election to be held in November, 1908, it shall be the duty of the judge of probate to have printed at the bottom of the official ballot the words: For road law "Yes" and under same For Road Law "No"; each voter shall indicate his choice by marking a cross mark (x) in front of the proposition of his choice, and if a majority of those voting on the proposition shall vote for road law "Yes", then said law shall be in effect as herein provided. Election; ballots.

Section 10. All laws in conflict with the provisions of this act are hereby repealed. Repeal.

Approved August 9, 1907.

No. 661.)

AN ACT

(H. 1382.)

To amend an act entitled "An act to provide for an election by the qualified electors of Tuscaloosa county to determine whether the sale, barter, exchange, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating beverages, bitters and proprietary medicines shall be

wholly prohibited in said county and if a majority of said electors shall vote in favor of prohibition to prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters and proprietary medicines and to prohibit the shipping into said county by any common carriers and the bringing into said county by any person for the use of any other person than himself any such spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines from any place within this State, and to prohibit the taking or soliciting of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines by any person in said county over any telegraph or telephone line, and to provide penalties for all such prohibited acts.

Section 1. Be it enacted by the legislature of Alabama, That an act approved on the 4th day of March, 1907, entitled "An act to provide for an election by the qualified electors of Tuscaloosa county to determine whether the sale, barter, exchange, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating beverages, bitters and proprietary medicines shall be wholly prohibited in said county and if a majority of said electors shall vote in favor of prohibition to prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters and proprietary medicines and to prohibit the shipping into said county by any common carrier and the bringing into said county by any person for the use of any other person than himself any such

Act of March 1907, amended.

spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines from any place within this State, and to prohibit the taking or soliciting of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines by any person in said county over any telegraph or telephone line, and to provide penalties for all such prohibited acts, be amended by adding thereto the following section, to be denominated as section 13 1-2:

Section 13 1-2. That this act shall go into ef-
fect immediately. Amendment;
effective.

Approved August 9th, 1907.

No. 665.) AN ACT (H. 1379.

To repeal an act to regulate the salaries of teachers in public schools outside of any incorporated towns in Walker county, Alabama, approved March 5th, 1901. Be it enacted by the legislature of Alabama:

Section 1. That an act to regulate the salaries of teachers in public schools outside of any in-
corporated town in Walker county, Alabama, Act of 1901 re-
pealed.
approved March 5th, 1901, be and the same is hereby repealed.

Approved August 9th, 1907.

No. 667.) AN ACT (H. 1345.

To amend sections 5 and 7 of an act entitled an act to provide and establish a stock law for Lamar and Fayette counties, so far as the

same relates to Browns Precinct, No. 4, in Lamar county.

Section 1. Be it enacted by the legislature of Alabama, That section 5 of said act be amended so as to read as follows: That if a majority of the votes cast be "Stock Law, Yes", it shall be unlawful for any stock to run at large in Brown's precinct, No. 4, and if a majority of the votes cast be "Stock Law No," it shall not be unlawful for stock to run at large in said precinct. Provided that the result of said election shall not take effect until sixty days after such election is held.

Section 2. That section 7 of said act be amended so as to read as follows: That it shall be lawful for an election to be held in Brown's precinct, No. 4, of Lamar county, Alabama, at any time after the passage of this act, under the same rules, and regulations prescribed in sections 1-2-3 and 4 of said act for holding such elections.

Approved August 9, 1907.

No. 671 a.)

AN ACT

(H. 235.

To regulate hunting upon, or shooting in or across the enclosed field, pasture or other enclosure owned by or in possession of another, in Walker county.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage and approval of this act it shall be unlawful for any person to hunt upon, or shoot in or across any enclosed field, pasture or other enclosure owned by or in the possession of another, in Walker county, Alabama, without first getting the consent and permission of such owner or person in possession of such enclosed field, pasture or other enclosure.

Unlawful to hunt upon premises of another.

Consent of owner required.

Section 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars, at the discretion of the court trying the cause. Penalty.

Section 3. That no prosecution for a violation of the provisions of this act shall be begun, except by or at the instance of the owner, or person having possession or control of the lands trespassed upon. Prosecutions.

Approved August 7th, 1907.

No. 672 a.)

AN ACT

(H. 625.

To provide for and regulate the working of the public roads in Tallapoosa county, Alabama, and to punish defaulters who fail or refuse to work said roads.

Section 1. Be it enacted by the legislature of Alabama, That it shall be the duty of the commissioners' court of Tallapoosa county, as soon as practicable after this act goes into effect, to lay off said Tallapoosa county into public road districts and number the same as the commissioners' court may deem best for the purpose of carrying out this act; to grade and number the public roads of said county into first and second grade roads; that a first grade road shall be twenty feet wide; and a second grade road shall be fifteen feet wide; that it shall be the further duty of said commissioners' court to provide and keep in the probate office of Tallapoosa county a well bound and properly ruled book suitable for the purpose, in which shall be kept a record of all public roads of said county, showing the number, grade and length of each public road, and the road district in which all public roads are located. That said record shall be open to the inspection of the public at all times. County to be laid off into road districts.

Grades defined.

Those subject
to road duty;
time of ser-
vice; amount
of tax.

Section 2. That all male persons who reside in Tallapoosa county, Alabama, between the ages of eighteen and forty-five years, who are not physically disabled to perform manual labor, shall be required to work on the public roads in said county six full days for such year, or instead thereof shall pay the sum of six dollars to be paid to the probate judge of said county. Three dollars on or before the first day of February, and three dollars on or by the first day of August of each year.

Building to be
by contract.

Overseer may
be employed,

Section 3. That the commissioners' court of said county at its first regular or special term in each year shall, after given notice by publication in some newspaper published in said county for twenty days, let to the lowest responsible bidder the contract for building or repairing public roads in said county and under such specification and length of road as may be determined by said commissioners' court. And provided further that if there should be no responsible bidder at a price that said commissioners' court is willing to accept for any portion of the public roads, then said commissioners' court shall employ a competent overseer at such wages as they may be able to procure, the same, not to exceed two dollars (\$2.00) per day, and shall furnish such overseer the names of all persons who are subject to work on such roads, and with the money to procure such additional labor as may be necessary to work such portion of the public road; such overseer shall make out a statement each week a balance to be furnished him for that purpose by the commissioners' court showing that the number and names of the hands who have worked under him on such road and who were subject to work on said road, the number of days each one worked, the number and names of hands employed, the wages paid and the number of days each one has worked; said statement shall be sworn to by such overseer before some officer authorized to administer oaths, which said statement shall be delivered to or mailed

to the probate judge, and shall be filed and kept by such probate judge. Nothing herein shall be so construed as to prevent the county commissioners or overseer from contracting with persons subject to road duty for necessary teams to be used in working said roads to be accepted in lieu of labor of such hands.

Section 4. That whenever the commissioners' court shall let out any road to any contractor, that they shall take bond from such contractor in double the amount to be paid him, which bond shall be payable to the probate judge of the county, and shall be conditioned for the faithful performance of all duties of such contractor, and that such contractor shall keep such public roads so contracted for by him at all times in good repair. Bond required.

Section 5. That the commissioners' court shall apportion to each road precinct all hands liable to road duty on said precinct, and that the contractor shall call at least twice a year on such hands for the performance at such time of three days work, and such road hands shall have at least one day's notice of the time and place at which they are warned to work; provided, that such hands not having previously paid their road duty tax to the probate judge, may in lieu of doing three days' work at each call, pay to said contractor the sum of three dollars. Apportionment.
May pay road tax in cash.

Section 6. That when a contract is let for work on public roads there shall be charged to the contractor by said commissioners' court for each hand who has not paid to the probate judge his road tax for the year, and such contractor shall on his settlement be charged with one dollar per day for each hand who has worked for him during the existence of his contract, and shall be charged with all money paid to him in lieu of work by parties subject to road duty, and shall be credited with such sum as has not been collected either in money or in work, provided Contractor charged with hands.

the failure to collect is not the fault of the contractor.

Duty of contractor. Section 7. That it shall be the duty of such contractor to report to a justice of the peace in the county under oath, the names of all persons failing or refusing, after notice, either to do six days' work a year, or to pay the tax as herein provided, and all such persons shall be guilty of a misdemeanor, and on conviction shall be

Penalty. fined not less than \$2.50 for each days default, which said fine shall be paid in money, and shall go into the road funds of the county, and default of the payment of said fine may be sentenced to hard labor for the county.

Funds separate Section 8. That all moneys and fines collected under this act shall be kept as a separate fund to be known as the "road fund" of Tallapoosa county, and shall not be used for any other purpose than repairing and building public roads in the county.

Road fund supplemented. Section 9. That the commissioners' court of Tallapoosa county shall supplement the "road fund" herein provided for each year from the general fund of the county in such sum as in their judgment the county may be able to appropriate for the purpose of keeping up public roads as may be necessary for keeping the roads in good repair.

Authority of commissioners to contract, etc. Section 10. That the commissioners' court of Tallapoosa county, for the purpose of letting roads, changing the locations of existing roads shall have authority to contract with parties over whose lands they may desire to run new roads or to change roads now existing, and may condemn lands over which to run such roads as now provided by law and may for the purpose of carrying out this act employ an engineer to locate new roads or change the location of roads now existing when in their judgment it is necessary.

Section 11. That on the failure of the commissioners' court to appropriate sufficient funds

out of the general funds of the county, which together with the special funds herein provided for, will be sufficient to keep the public roads in good repair. That any five tax payers who are free holders and house holders of the county may file his petition in the circuit court of such county, setting forth the fact that sufficient funds have not been appropriated to keep the public roads in good repair and that the financial condition of the county is such as to authorize the appropriation of more money than has been appropriated and thereupon the clerk of the circuit court shall issue a notice to the probate judge, and each of the commissioners of the county, to appear and show cause why the appropriation should not be increased and issue shall be made up to determine: First, whether a sufficient sum has been appropriated to keep the roads of the county in good repair. Second, whether the financial condition of the county is such as to warrant the appropriation of money for the purpose of keeping the public roads in repair, which issue shall be tried before the judge of the circuit court presiding in such county, and should it be determined by said judge of said circuit court that a sufficient amount has not been appropriated to keep the public roads in good repair and that the financial condition of said county is such as to warrant the appropriation of a further sum, he shall render judgment directing the commissioners' court to appropriate for such purpose such sum as he may determine ought to be appropriated, and any commissioner failing to obey such judgment shall be in contempt of the court and shall be fined not less than one hundred dollars, which fines shall be paid in money and shall go into the road fund of the county.

Failure of commissioners to appropriate sufficient funds; procedure by tax payers, etc.

Section 12. That a day's work under this act shall consist of ten hours. Day's work.

Section 13. That the commissioners' court is hereby authorized and empowered to purchase Implements and stock purchase.

improved road implements and mules with which to work the said roads.

Section 14. That the said commissioners' court are hereby authorized and required to appoint two assistant road apportioners in each road precinct whose duty it shall be to assist the commissioners' court in apportioning the road hands in their respective road precincts, whose term of office shall continue one year from their appointment, and who shall be exempt from road duty during their term of office.

Commissioners must report.

Section 15. That it shall be the duty of each commissioner at each regular session of the commissioners' court to make a full, complete and accurate report under oath in writing, the number of days spent by him inspecting the said road, what roads inspected, and the condition of such roads, which report shall be kept on file in the probate office for the inspection of the public.

Per diem of commissioners.

Section 16. That each of the county commissioners shall receive three dollars per diem while in actual bona fide discharge of their duties under this act, not to exceed thirty days in any one year, to be paid as they are now paid for other service.

Approved August 9, 1907.

No. 673.)

AN ACT

(H. 1347.

To allow the circuit clerk of Lamar county an assistant clerk.

Deputy clerk allowed; compensation of.

Be it enacted by the legislature of Alabama, That from and after the passage of this act the clerk of the circuit court of Lamar county, Alabama, shall be allowed an assistant or deputy clerk, during the terms of the circuit court, who shall receive for each days service, as such assistant clerk two dollars per day, to be paid out of

the general fund of said county, as court bailiffs are paid.

Approved August 7, 1907.

No. 673 a.)

AN ACT

(H. 1390.

To provide for the appointment of an official stenographer for the second judicial circuit of Alabama, and to prescribe his duties and to fix his compensation.

Section 1. Be it enacted by the legislature of Alabama, That the judge of the second judicial circuit of Alabama is hereby authorized and required to appoint a competent shorthand writer to perform the duties of official stenographer in the circuits courts of Butler, Conecuh, Crenshaw, Escambia, and Lowndes counties, composing the second circuit of Alabama who shall be a man of good character, who is able to take shorthand notes at the rate of 140 words per minute for five consecutive minutes, and clearly read or transcribe the same. Said official stenographer shall be an officer of the court and shall hold office for four years from the date of his appointment, or until his successor is appointed and qualified; provided, however, that the judge of said court, shall, at any time, have power to remove said official stenographer upon proper charges filed in writing and entered of record, duly sworn to, for incompetency, or misconduct in office, specifying such incompetency, or misconduct, if, after hearing such charges and such proof as may be offered in support thereof, and having given such stenographer and any witness that he may produce, an opportunity of being heard, it shall appear to such judge that such charges are well founded and satisfactorily proven.

Judge to appoint stenographer; qualifications, etc.

Section 2. That the judge of said second circuit is hereby authorized and directed to deter-

Examination.

mine the competency of the applicants for the position of official stenographer, and is required to hold an examination promptly after the passage of this bill, of all applicants who may present themselves, and determine whether such applicants or any of them have the qualifications required by section 1 of this act; any applicants found to possess the qualifications necessary, shall be furnished with a certificate in writing by such judge to the effect that they are fully qualified under section 1 of this act, to perform the duties of such official stenographer, and no person shall be eligible to appointment who does not possess such certificate. Such examination shall be conducted in the court house at Greenville, Butler county, and of the time and place of his examination, said judge shall give two weeks notice by posting written notice of the time and place of such examination at the court house door of said Butler county and by sending a copy of such notice to the clerks of said circuit courts of Conecuh, Crenshaw, Lowndes and Escambia counties, Ala., with instructions to post the same at the court house door of their respective counties.

Oath.

Section 3. Said official stenographer appointed under the provisions of this act, shall subscribe to the following oath, before the judge of said second circuit: I, _____, do solemnly swear that I will well and truly report all matters which it shall become my duty to report as the official stenographer of the second judicial circuit of Alabama, faithfully and impartially, to the best of my ability, so help me God.

Duties of stenographer.

Section 4. It shall be the duty of the official stenographer to attend the sessions of the courts of the second judicial circuit in person or when providentially hindered, provide an assistant appointed by him with the advice and consent of the presiding judge and to take full stenographic notes of the oral evidence and proceedings, except arguments of counsel, in every case in

such courts as the presiding judge shall direct or any party thereto may request, to be reported, and must also note the order in which all written or documentary evidence is introduced, all objection and the rulings of the court thereon and exceptions which may be reserved thereto. The original notes taken by said official stenographer shall be filed with the clerk of said court where the same are taken and shall be treated and preserved as a part of the records of said court.

Section 5. Said official stenographer shall receive \$1,200.00 payable in quarterly installments by the counties constituting the circuit. The boards of county commissioners of the respective counties in said circuit are required to provide for the payment of said salary in such quarterly installments. Each county comprising the circuit shall pay said salary in the following proportions per annum: The county of Butler, \$240.00. The county of Crenshaw, \$240.00. The county of Escambia, \$240.00. The county of Lowndes, \$240.00. The county of Conecuh, \$240.00. But the amount of such annual assessment shall be paid quarterly as above provided. Compensation.

Section 6. That in all civil cases reported by said official stenographer, or any assistant appointed by him under the provisions of this act, there shall be taxed as a part of the costs a fee of \$3.00 which shall be collected as other costs in such cases and when collected shall be paid by the clerk into the treasury of such county; and in all criminal cases reported by such official stenographer or any assistant appointed by him under the provisions of this act, there shall be taxed as a part of the costs in such cases a fee of \$5.00 which shall be collected in the same manner as other costs in criminal cases and when collected shall be paid over by the clerk of said court to the treasury of said county. Fees to be
taxed as cost.

Section 7. The official stenographer shall

Stenographer
to furnish
transcript, fee
for same.

furnish within thirty days, to any party to a cause reported by him demanding the same, a typewritten transcript of his notes, or any part thereof, upon the payment or security to him of a transcript fee of five cents for each hundred words thereof and where more than one copy is demanded to be made at the same time with the original copy a fee of two and one half cents for each one hundred words for each additional copy; provided, that nothing herein contained shall preclude said official stenographer from entering into a special agreement to furnish reports of proceedings within twenty-four hours under special agreement therefor. Said official stenographer is hereby required to furnish transcripts in all criminal cases for the purpose of appeal to the supreme court of Alabama, free of charge, within the time prescribed by law, or the order of the court and he shall also in civil cases, if the court or judge thereof ascertains and determines that any party to the cause is financially unable to pay the cost of such transcript, be required to furnish one typewritten copy of such transcript within thirty days after demand therefor to be filed with the clerk of the circuit court of said county, free of charge.

Transcript
in cases ap-
pealed.

Transcript
prima facie
evidence.

Section 8. That all transcripts furnished by said official stenographer shall be certified to by him over his signature, and when so certified, such transcript shall be prima facie evidence of the proceedings in said cause, and said official stenographer must file such official transcript within thirty days after written demand is made unless such time is extended by the court for a good cause. Unless the official stenographer files the certified transcript herein provided for, within the time required by law, or the time prescribed by the court, he shall be punished by a fine at the discretion of the court of not less than \$15.00 to be paid into the county treasury for the county in which said case was tried.

Failure to file
transcript;

Approved August 9th, 1907.

No. 674.)

AN ACT

(H. 1141.)

To repeal an act entitled an act to increase and regulate the fine and forfeiture fund of Lee county, and to provide for the payment of States witnesses out of the same, approved March 4th, 1901.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled an act to increase and regulate the fine and forfeiture fund of Lee county and to provide for the payment of States witnesses out of the same, approved March 4th, 1901, be and the same is hereby repealed. Act of 1901 repealed.

Approved August 7, 1907.

No. 674 a.)

AN ACT

(H. 786.)

To authorize the town of Brockton in Coffee county, Alabama, to buy and sell spirituous, vinous, and malt liquors, and to regulate the sale thereof.

Section 1. Be it enacted by the legislature of Alabama, That the town of Brocton in Coffee county, Alabama, shall have authority to conduct and carry on in its corporate name, in its corporate capacity, and in the manner hereinafter provided, the business of buying and selling spirituous, vinous, and malt liquors. The place at which said business is carried on shall be called a dispensary. Said municipality shall invest in said business a sum of money not less than three hundred dollars, and not more than twenty-five hundred dollars. The liquors bought and sold as herein provided, shall be of the purest and best quality. Authority to sell liquors.
Dispensary.

Section 2. The office of dispenser, for said dispensary, is hereby created who shall be elected within three months after the approval of this act by the board of commissioners hereinafter Office of dispenser created; qualifications of dispenser; term of office.

created. Said dispenser shall be a resident, house holder, and free holder of said municipality, and possess the qualifications of an elector under the general laws. The first dispenser to be elected to said office shall hold said office for a period of one year from the time of his election, and the terms of his successors shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Control of dispensary by board of commissioners.

Commissioners named; term of office.

Vacancies.

Officers of board.

Section 3. That the affairs and business of said dispensary shall be managed, controlled and conducted by a board of three commissioners, who shall each be a resident citizen and householder, and free holder of said municipality, and who shall possess the character and qualifications of electors under the general laws. That W. D. Dawkins, J. M. Johnson, and David Harper, be, and they are hereby constituted said board of commissioners, and that the term of said David Harper shall expire on the first day of January, 1910, and the term of said J. M. Johnson, shall expire on the first day of January, 1911, and the term of said D. W. Hawkins shall expire on the first day of January, 1912, and the successors of said commissioners whose terms have so expired shall be elected by the board of mayor and councilmen of said municipality at their last regular meetings of each year, and such of said commissioners to be so elected shall hold office for a term of three years from the commencement of his term. All vacancies occurring in said board of commissioners shall be filled by an election of the board of mayor and councilmen of said town at their next regular meeting after said vacancy shall occur, and such commissioner so elected shall perform the duties of commissioner for the unexpired portion of the term so filled. Said board of commissioners shall elect from their number at their first meeting in each year, a president, a secretary, and a treasurer, for said board of commissioners and shall require a good and sufficient bonds from such secretary and treasurer

and cause the said bond to be approved by the mayor and councilmen of the town of Brockton, and each of said commissioners before entering upon the duties of his office shall take and subscribe an oath that he will faithfully discharge all of the duties imposed on him by this act.

Section 4. That the dispenser elected under the second section of this act, shall besides having the qualifications prescribed therein, be a man of moral character and sober habits, and he shall have charge and control of said dispensary, under the supervision of said commissioners. Said board may remove said dispenser, and it shall be their duty to do so, for the violation of any laws governing or applying to said dispensary, or any ordinance of said town of Brockton regulating the same, not inconsistent with this act, and upon such removal they shall fill the unexpired portion of his term by the election of another person as dispenser. Said dispenser shall be required to take and subscribe an oath, that he will faithfully and honestly discharge all duties required of him by this act, and he shall be required to give bond, with good and sufficient sureties, to be approved by said commissioners in such sum as said board may determine, to be not less than one thousand dollars, conditioned, to faithfully account for all goods, and moneys, that may come into his hands as such dispenser, and for the faithful performance of all duties required of him by this act, and by such rules and regulations as the said commissioners may adopt. Said dispenser shall receive such salary as said commissioners may fix, not to exceed eight hundred dollars, and his compensation shall not be dependent upon the amount of sales.

Dispenser;
qualifications.

Cause for removal of dispenser.

Oath; bond.

Salary.

Section 5. Said board of commissioners shall at all times keep a stock of spirituous, vinous, or malt liquors, wines, beer, cider, and other intoxicating liquors, in such quantities as they may deem proper. The same shall be sold only for cash in quantities not to exceed four gallons

Commissioners to keep stock; how sold.

and not less than one-half pint, and the dispenser shall turn over all moneys received by him on account of such sales to the secretary and treasurer of said commissioners, at the end of each day, and take his receipt for the same.

Accounts, how paid; purchase of stock. Section 6. That all accounts due by said dispenser for the maintenance and operation of the same shall be paid by the treasurer upon such demand being presented to the secretary and treasurer, and approved by a majority of said commissioners. The purchase of all stock for said dispensary shall be made by said commissioners, a majority of whom shall be required to concur in such purchase. That all purchases shall be made for cash.

Rules and regulations, how made. Section 7. That said board of commissioners, shall make from time to time rules and regulations for the operation of said dispensary not in conflict with this act and the laws of the State of Alabama, and said commissioners and dispenser shall at all times in the management and conduct of said dispensary, conform to the laws of the State of Alabama regulating the sale of spirituous, vinous, and malt liquors, and the said dispenser shall conform to all the regulation that said board of commissioners may enact for the control, management, and conduct of said dispensary, which are not in conflict with the laws of this State.

Drinking prohibited. Section 8. That no spirituous, vinous or malt liquors shall be drank in the building or on the premises where said dispensary is located.

Section 9. That said dispensary shall not be opened on any day before six o'clock, and shall be closed on each day by six o'clock in the evening, and it shall not be opened on Sundays, and election days, and on such other days as the commissioners, or a majority of them shall direct the same to stand closed.

Opening and closing. Section 10. That the dispenser shall not sell to any person or persons, any spirituous, vinous, or malt liquors, wines, ciders, beer or other intoxicating liquors, except in sealed packages,

and the said dispenser shall not keep any broken packages in the said dispensary. Whenever a package is broken, it shall be at once bottled and sealed, and sold by said dispenser in such sealed condition.

Section 11. That said dispenser shall make a monthly report to the said board of commissioners showing the exact financial condition of said dispensary, and the said board of commissioners shall at any time when they see proper make an investigation of the correctness of said report and check up the balance of matters pertaining to said dispensary. Monthly report of dispenser.

Section 12. That the dispenser shall not allow, and it is hereby made unlawful for any person or persons to loiter in or about said dispensary or on the premises where the same is situated, and for failure to enforce this section said dispenser shall be removed from office. Loitering prohibited.

Section 13. That the mayor and town council of the town of Brockton shall have power and authority to pass all ordinances to carry out the provisions of this act, and to provide suitable penalties for the violation of any of the provisions of this act. Town council empowered.

Section 14. That the board of commissioners of said dispensary shall appropriate fifty per cent. of the net profit of said dispensary to the public schools of Coffee county, and the same shall be applied to the public schools in the same proportion as the public school funds from other sources are applied. Said fifty per cent shall be paid to the persons entitled to receive the same as provided by law. That the remainder of the net proceeds of said dispensary shall be paid into the treasury of said town. That said sums shall be appropriated and paid as aforesaid quarterly or four times a year. Profits; appropriated, etc.

Section 15. That the said board of commissioners, shall at the end of each quarter and at the same time when they make said appropriations and pay said money as directed by the pre- Reports to be filed with mayor.

ceding section, make and file with the mayor and council of said municipality a full and complete report of all purchases, receipts, expenditures and disbursements for the preceding three months so that a fair account of the business may be shown thereby. Said report shall be published in a newspaper for at least one week upon the filing of same.

Town council
provide for
enforcement
of laws.

Section 16. That the mayor and councilmen of the town of Brockton are authorized and empowered to pass ordinances for the enforcement of the provisions of the last preceding section with penalties for violation.

Commission-
ers compen-
sation.

Section 17. That the commissioners provided for in this act shall each receive a salary of \$25.00 per annum, and the secretary and treasurer shall be paid \$75.00 per annum additional. Said salaries to be paid out of the net proceeds of said dispensary.

License pro-
hibited.

Section 18. That on and after the passage of this act the city council of the town of Brockton, and other officers of said town are hereby prohibited from issuing, granting or renewing any license for the sale of spirituous, vinous, or malt liquors within the incorporate limits of said town.

Suit on bonds.

Section 19. That for any breach of either of the bonds to be executed under the provisions of this act, suit may be brought thereon in the name of the town of Brockton for the use of said town, and the persons entitled to receive that portion of the net proceeds to be used for school purposes, and the recovery therein shall be paid according to the interests of said town and persons therein.

Impeachment
of commis-
sioners.

Section 20. That the commissioners or either of them may be impeached by the mayor and councilmen, upon at least five days' notice, with specifications in writing of the charges preferred, for any malfeasance, wilful misconduct, or neglect of duty, or for the violation of any law or ordinance regulating or pertaining to said dispensary, but the right of appeal shall be had

in favor of either party to the circuit court to be taken as provided for from the justice courts in civil cases.

Section 21. That no spirituous, vinous, or malt liquors, wines, ciders, beers, or other intoxicating drinks of any kind shall be sold within the incorporate limits of said town except as herein provided. Sale prohibited; exceptions.

Section 22. That all laws and parts of laws in conflict with this act or any part thereof, be and the same are hereby repealed. Repeal.

Approved August 9th, 1907.

No. 675 a.)

AN ACT

(H. 1169.

To establish an inferior court in precinct No. 10 in Morgan county, Alabama, in lieu of all justices of the peace and notary public with powers of justices of the peace in said precinct, and to define the jurisdiction and powers of said court and the judge thereof.
 "Be it enacted by the legislature of Alabama:

Section 1. That there is hereby established in and for precinct 10 in Morgan county, Alabama, an inferior court of law, in lieu of all justices of the peace therein and of notaries public with powers of justices of the peace therein, which shall be known and designated as the inferior court of Hartselle. Court established.

Section 2. There shall be one judge for said court, shall be appointed by the governor within twenty (20) days after the passage and approval of this act, whose term of office shall be until the next general in 1908, and until his successor is elected and qualified at such general election of 1908, and every four years thereafter, a judge of said inferior court of Hartselle, shall be elected by the qualified voters residing within said precinct 10, whose term of office shall be four Judge, appointment of; election.

Oath.

Vacancies.

Jurisdiction
and powers.

Officers of
court.

years and until his successor is elected and qualified. The judge of said court before entering upon the discharge of the duties of said office must take the oath of office and enter into bond as required by law for justices of the peace of this State, which bond must be approved by the probate judge, and together with the oath of office filed in the office of the judge of probate of Morgan county, Alabama. Vacancies in the office of said judge shall be filled by appointment by the governor, whose term of office shall be until his successor is elected and qualified at the next general election thereof.

Section 3. That such inferior court and the judge thereof are hereby clothed with and shall have and exercise all of the jurisdiction, power and authority, now or hereafter, conferred by general law on justices of the peace, both civil and criminal and shall conform to and be governed by the rules of practice and procedure that are now or may hereafter be applicable to justices of the peace of this State. The judge of said court may make affidavits in misdemeanor cases and issue warrants and subpoenas for witnesses returnable directly to the Morgan county law and equity court of Morgan county, or court of like jurisdiction. The judge said court shall have the right to solemnize the rites of matrimony, administer affidavits or oaths, take acknowledgments of deeds, mortgages and conveyances and take recognizances.

Section 4. The constables of said precinct and the sheriff of Morgan county shall be officers of said court, and they are hereby authorized and it is made their duty to execute and make due return of all processes issued out of said court. For their service they shall receive the same fees and compensation, to be collected in the same manner, as are now or may hereafter be provided by law for like services in justice courts in said county. The constable of said precinct may appoint special and deputy constables to execute both civil and criminal processes.

Section 5. Appeals may be taken from said court to the Morgan county law and equity court, or other courts having jurisdiction, in like manner as appeals are taken from the justices courts to the circuit courts of this State and tried de novo. All persons arrested upon criminal charges returnable before said court, of which it has final jurisdiction may at any time before trial, demand a trial by jury, and such demand being made the cause shall forthwith be transferred to and stand for trial in, the Morgan county law and equity court of Morgan county as though it had been originally returnable before said court.

Appeals.

Trial by jury.

Section 6. Said judge must keep a good, substantial, well bound civil docket and criminal docket, in which all cases and proceedings of every kind before said court must, by him, be entered into the appropriate docket, properly numbered filed, and all judgments, decrees, orders and proceedings in such cases, together with an itemized statement of all cost and fees, must be properly entered in said docket opposite or under the style of said cause. Said docket must also be properly and completely indexed so as to show the number and page of each case entered therein.

Dockets.

Section 7. The fees and cost of said court shall be the same as are now allowed by law to justices courts of this State, and shall be taxed and collected in the same manner as such fees and cost so collected shall be paid to the judge of said court and shall be received by him as full compensation as judge thereof.

Fees and cost.

Section 8. The said judge shall make a complete report to the treasurer of said county, on Jan. 1st and July 1st of each year, of all criminal cases and proceedings coming before him. Said reports shall show the style of each case in which a conviction was had, an itemized account of the cost taxed therein, both for the judge and for the constable or other officer acting therein, together with the total amount of the same, and

Judge's report to treasurer.

What reports shall show.

also the amount of fine assessed and collected together with the total amount of cost collected. Said report shall also show the style of each case in which no conviction was had, together with an itemized statement of the same, which amount shall be credited with the amount of fine collected as shown by said report; should there be a balance of the fines after the payment pay said cost then the balance due shall be carried into the next report as a charge against the fines collected and shown therein. The constable or other acting officer in such cases shall be paid their pro rata part of the cost due them in cases in which no conviction was had, from the fines so collected.

Office of
judge.

Sign and issue
summonses
and complaints,
etc.

Sec. 9. Said judge must keep a suitable and comfortable office in some convenient place in the town of Hartsell which shall be kept open at all reasonable hours. Said judge must sign and issue all summons and complaints, writs, execution and other processes, make out transcripts, approve bonds and perform all other duties now required of justices of the peace or that is necessary to maintain the jurisdiction and authority of said court. Said court shall be kept open for the trial of cases at such time and as often as may be necessary to dispose of the cases coming before it promptly.

Additional
jurisdiction
of court
and judge.

Sec. 10. In addition to the jurisdiction and powers already conferred upon said court, said court and the judge thereof shall have and exercise all additional jurisdiction power and authority as are now or may hereafter be conferred by law on justices of the peace of said Morgan county. And such fees and costs as are provided for in proceedings before justices courts of said county shall be charged and collected in said court for like proceedings.

Jurisdiction
in civil cases.

Sec. 11. In addition to the jurisdiction and power and authority, already conferred upon said court it shall have and exercise jurisdiction in all civil cases except in cases of libel, slander

assault and battery and ejectment to an amount not exceeding \$100.00, in which the defendant or one of the defendants, reside in Morgan county, and of all criminal cases in which justices of the peace of Morgan county have jurisdiction where the offense was committed in Morgan county.

Sec. 12. At the expiration of the term of office of the justices of peace and notaries public exercising jurisdiction of justices of the peace, whether by resignation, expiration of term or otherwise, no other justices of the peace or notaries public, with jurisdiction of justices of the peace, shall be elected or appointed in said precinct; and the term of office of all justices of the peace shall not extend beyond the general election of all officers in the year 1908. That upon the expiration of the term of office of such justices of the peace in said precinct, they shall turn over and deliver to the judge of said inferior court all books and papers in their possession and certify all cases, both civil and criminal, pending in their respective courts to the judge of said inferior court, who shall dispose of them in the same manner as they would have been in the respective justices courts. Said judge shall issue executions and other processes on judgments so transferred to said court and shall exercise the same power and authority with reference thereto as justices of peace in like cases.

As to terms of office of justices of peace and N. P. ex-officio J. P.
Books, etc., turned over to judge.

Sec. 13. In the absence or disability of the judge of said court or in cases where the judge is disqualified by reason of interest or relationship to the parties, the mayor of the town of Hartsell shall appoint a judge of said court to serve until the return of said judge or during his disability or to try the case or cases in which he is disqualified, who shall receive the cost and fees taxed and collected in the cases tried by said judge so appointed.

Special judge.

Sec. 14. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Repeal.

Approved August 9, 1907.

No. 676a.)

AN ACT

(H. 1377.

To provide for the construction, repairing, working and maintaining of the public roads of Henry county, Alabama, and to provide for the levying a special property and per capita tax for same, and for the punishment of defaulters.

Appointment
of super-
visor.

Term of office.

Election of
successor.

Removal of
supervisor.

Vacancy;
how filled.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Henry county, Alabama, shall, at the first general or special term of said court after the passage and approval of this act, or as soon thereafter as practicable, appoint a competent and suitable man as general road supervisor of all the public roads of said Henry county, whose term of office shall begin with the date of his qualification and continue until the next general election of county officials in November, 1908, when his successor in office shall be chosen by the qualified electors of the county, and said officer shall be elected every four years thereafter.

Sec. 2. That the commissioners court of said county shall have the power to remove said supervisor from office at any time for incompetency, neglect of duty, corruption in office, or for any sufficient cause where, in the judgment of said court, the interests of the county requires his removal; and said commissioners court shall fill all vacancies in said office, caused by removal or otherwise before the expiration of the term of office for which said supervisor was appointed or elected. Before such removal from office charges shall be made in writing against said supervisor and filed with said court, by the court itself or by some citizen of Henry county, and when such charges are filed a day shall be set by the court for hearing of same and five days' notice thereof given to said supervisor who may appear and defend against same. The ruling of said commissioners court on said charges shall be final.

Sec. 3. That said supervisor shall, before entering upon the duties of said office, qualify by entering into bond for the faithful performance of the duties of said office, payable to Henry county, in the sum of two thousand dollars, with good and sufficient sureties thereon, to be approved by the judge of the probate court of said county, and filed and rendered in the office of said probate judge. Bond of.

Section 4. That said supervisor shall receive a salary of not more than seven hundred and twenty dollars per annum for his services, to be determined by the commissioners court before he files his bond or enters upon the duties of his office, to be paid to him monthly on a warrant to be drawn by the probate judge on the road and bridge fund in the county treasury. Salary of.

Sec. 5. That said road supervisor shall have the control and supervision of all the public roads of Henry county as to the manner of construction, working, repairing and maintaining them; and he shall under the direction of the commissioners' court, have the control and management of all road machinery, tools, wagons, mules, teams, etc., belonging to said county or furnished by the commissioners' court for use in the construction, working, repairing and maintaining said public roads thereof. Supervision of roads, etc.

Sec. 6. That it shall be the duty of said road supervisor: First, to keep the public roads of said county in good condition, and to bring them to the grades and classes prescribed by law as rapidly as practical; 2nd, to see that all mules and live stock turned over to him for use on said roads of the county have good care and humane treatment and that they are worked only on said roads; 3rd, to employ one foreman with each road machine or squad of hands, where he cannot be with said squad himself, and to place all hands of said squad under said foreman; 4th, to have the general supervision, direction and control of all hands of each squad, and of all the foreman thereof, and to see that every Duties of supervisor.

hand employed on said roads, or who may be working out his ten days required of him by law on said roads, puts in full time and performs faithful and obedient service; 5th, to collect all the per capita tax from male inhabitants of said Henry county, and in collecting said tax he may appoint any justice of the peace or constable of any precinct to act as his deputy in the collection of said tax in his respective precinct, and said deputies and the sureties on their official bonds to be liable to Henry county for all moneys so collected by them of said tax. Said road supervisor and his sureties on his bond shall be liable to the county for the conduct of himself and of his deputies in the collection of said road tax; 6th, he shall make quarterly reports under oath to the commissioners court of said county, at its regular quarterly meetings, showing the full amount of said per capita road tax collected by him, either in person or through his appointed deputies, give the name and race of each person from whom the same was collected and the precinct in which he lived, the name and race of every person who worked on the roads ten days or less, in lieu of paying said tax and the precinct in which each resides, and the total number of days worked by all persons in lieu of paying said tax; the total amount of said tax money which had been paid to the county treasurer by him and his deputies; the number of hands employed on the roads, the name of each, the length of time he worked and the pay he received; the number of mules or other stock on hand and under his control, the number lost by death or that are disabled or unfit for use, and the amount paid for feed and for provisions, and to whom paid; all machinery, tools, wagons etc., on hand and the condition of same; and in each instance where he reports money paid out he shall attach vouchers or receipts therefor, and where he reports money paid

to the county treasurer, he shall attach a voucher or treasurer's receipt therefor.

Sec. 7. That every justice of the peace or constable of any precinct of Henry county who is appointed to the position of deputy collector of the per capita road tax due said county for male inhabitants thereof, shall, immediately after his appointment, prepare and furnish to the commissioners' court a complete list of all persons in his precinct who is liable for said tax or subject to road duty. That said court shall at once make out a proper road tax receipt for each person subject to pay the same, with the precinct and number of receipt thereon and with proper stubs attached, and furnish same to the road supervisor, taking his receipt therefor, who shall proceed at once to collect said tax. That the deputy collectors and their official bond shall be liable for all such receipts placed in their hands for collection by the supervisor.

List of persons liable to tax furnished by deputy collector.

Receipts prepared.

Sec. 8. That every male inhabitant of Henry county who is over the age of twenty-one years and under the age of fifty years, and who is not by law exempt from road duty, shall be required to pay an annual per capita road tax of three dollars each, or he shall, in lieu thereof, at his election, work upon the public roads of said county ten days in each year, ten hours of faithful work each day, under the orders or directions of the road supervisor, or under any one of his foremen he may direct; and shall be required to work at any time and on any road in his precinct in the county that the said supervisor may order; provided the provisions of this section shall not apply to any person living within the corporate limits of any city or town in said county and who are required to pay street tax therein.

Persons liable for tax.

Amount of Work required in lieu.

Sec. 9. That the ten days road duty, or the three dollars road tax herein provided for, shall be due and payable on and after the first day of January of each year, and every person subject to said duty and tax who fails to pay the tax prior

When due and payable.

to the first day of March of each year shall, immediately after said date, be warned out by the road supervisor to perform the ten days work on said roads of the county. Any person moving into the said Henry county any time during the year, or who makes said county his home for ten days or more at any one time during the year, shall be required to pay said road tax or to perform said ten days road work; unless he shows a bona fide receipt for road tax paid or work done in some other county, city or town for said year.

Warning of
hands.

Sec. 10. That immediately after the first day of March of each year, or as soon thereafter as practicable the road supervisor, in person or by his deputies, shall warn all persons subject to road duty, and who has not prior to said time paid the road tax herein provided for, by giving two days written notice to said person or by leaving said notice at his place of residence, stating on what road, at what point on said road, and at what time said person shall meet and report for service; and any person so warned who fails or refuses to work on said roads as prescribed by this act, without legal cause or good excuse, shall be guilty of a misdemeanor, and upon conviction must be fined not less than ten nor more fifty dollars, which shall be paid in lawful money of the United States, and shall be applied to the road and bridge fund of the county, and it shall be the duty of the road supervisor to proceed against any such defaulter at once before the county court of said county.

Notice by
deputy collec-
tor as to pay-
ment of tax.

Sec. 11. That every deputy collector appointed to collect said per capita road tax in his respective precinct, shall, as soon as he receives the receipts therefor of each year, appoint a day and place in said precinct where he will collect said tax, and shall give publicity of said appointment by posting notices thereof in the precinct and otherwise; and on said day all inhabitants liable for said tax shall appear and pay same to said collector.

Sec. 12. That each such deputy collector shall receive for his services four per centum on all of said road tax collected by him, and he shall every thirty days pay over to the county treasurer of said county, taking his receipt therefor, all said money collected by him less his commissions thereof, and said treasurer shall apply same to the road and bridge fund of the county. On the first day of March of each year, and once every three months thereafter, said deputy collectors shall make to the road supervisor a full and complete report in writing and under oath stating the full amount of said tax collected by them, the name and race of each person from whom he collected, the name and race of each person in his precinct subject to road duties who failed or refused to pay said tax, the full amount he had paid to the county treasurer and his commissions thereon and he shall attach to said report the treasurer's receipt for all money paid to him.

Compensation of deputy collector.
Disposition of money.

Report.

Sec. 13. That said road supervisor shall employ and work on said public roads of the county a foreman with each road machine or squad of hands, when the supervisor cannot be with said squad in person, and shall employ and work a force of laborers of not more than six with each squad exclusive of the foreman, the wages to be paid the said laborers and to said foreman to be determined by the commissioners' court in session.

Employment of foremen and hands.

Sec. 13½. That it shall be the duty of the road supervisor to appoint one man in each school district in the county to look after all roads in his district for the purpose of removing obstructions, and making temporary repairs so that the roads may be passable at all times, and his compensation therefor shall be fixed and paid out of the commissioners court out of the road and bridge fund of the county upon itemized account and verified by affidavit.

Supervisor to appoint party to look after roads.

Compensation.

Sec. 14. The Commissioners Court of said Henry county shall purchase for the use of said county, all such road machinery, tools, imple-

Purchase of machinery, tools, etc.

ments, wagons, mules as may be useful and necessary in the construction, working, repairing and maintaining the public roads of said county, and shall pay the same out of the road and bridge fund of the county; said machinery, tools, wagons, mules etc., to be turned over to the road supervisor and his receipt for same to be taken and entered in the minutes of the commissioners' court.

Special tax
levy author-
ized.

Sec. 15. That the commissioners' court of said Henry county shall levy a special road and bridge tax of one-fourth of one per centum on all the taxable property of said county, which taxes shall be collected by the tax collector of said county and paid over to the county treasurer of the county, as is now provided under the general laws of the State; and the treasurer shall keep said taxes and the per capita road tax money separate in a book used for that purpose, which said funds shall be known and designated as the road and bridge fund of Henry county.

Funds ex-
pended on
roads.

Sec. 16. That in meeting and defraying the expenses of constructing, working, repairing and maintaining the public roads and bridges and cross-ways of the county, the commissioners court shall expend first said road and bridge fund of the county, and if such fund is insufficient to keep said roads and bridges in good repair, for the safety and convenience of the public, then said commissioners court shall expend thereon such an amount of the general fund of the county as may be necessary to keep them in such condition; provided there is an excess of said general fund over and above what is needed and used in keeping up the general interests of the county to be paid out of said fund.

Repeal.

Sec. 17. That all laws and parts in conflict with the provisions of this act be and the same are hereby repealed.

Effect.

Sec. 18. That this act shall take effect and become operative immediately upon its passage and approval by the Governor.

Sec. 19. Except this law shall not apply to the county supervisor in office until his term expires. ^{Exception.}

Approved August 9th, 1907.

No. 677a.)

AN ACT

(H. 366.

To provide for the establishment, maintenance and regulation of a dispensary for the sale of spirituous, vinous, malt liquors, ciders and other intoxicants in and for Fayette County, Alabama.

Sec. 1. Be it enacted by the Legislature of Alabama: That after the ascertainment of the result of the election as provided for in an act of the Legislature of Alabama, entitled "An Act to prohibit the sale, giving away, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, cordials or fruits preserved in alcoholic liquors or other intoxicants in Fayette County, Alabama, of a majority of the votes cast in the election herein provided be in favor of prohibition, to provide for holding said election and to further regulate the handling, ordering or other disposition of spirituous, vinous or malt liquors or other intoxicants in said county," passed at the present session of the Legislature. Upon the filing of a petition with the Judge of probate of Fayette county, Alabama, signed by not less than two hundred qualified electors of said county stating that they, said electors, desire an election to be held in said county for the purpose of ascertaining whether or not a dispensary shall be established in said county, it shall be the duty of such judge of probate to order an election to be held in said county for the purpose stated in said petition.

Sec. 2. Upon the filing of such petition it shall be the duty of the judge of probate of said county to order an election to be held in the va- ^{Election; duty of probate judge as to.}

rious precincts and voting places of said county, such election to be held not less than forty nor more than sixty days from the date of the filing of such petition, and the judge of probate shall designate the day upon which the same shall be held, and he shall give notice of the holding of said election, such notice to specify the time and the purpose for which such election is to be held, and shall be published in some newspaper published in said county for not less than four consecutive weeks prior to the holding of said election, but a failure to give such notice as herein required shall not invalidate said election.

Persons entitled to vote.

Laws applicable.

Sec. 3. On the day appointed for the holding of said election, an election shall be held in the various precincts and voting places of Fayette county, and all persons who are at the time of such election qualified electors under the provisions of the general election laws of this State shall be entitled to vote in said election, and the provisions of the general election law for this State shall govern said election in all matters except it shall be the duty of the judge of probate, instead of the sheriff to give notice of the holding of said election by publication, and provided, should the provisions of this act be inconsistent with the general election law, then this act so far as the same is inconsistent with the general election law shall prevail.

Ballots prepared by probate judge.

Sec. 4. For the purpose of said election the judge of probate shall have prepared and printed at the expense of the county, a sufficient number of ballots so as to have as many as twice the number of ballots for each voting place or precinct as there are qualified electors in such precinct or voting place.

Question submitted.

Sec. 5. In the election to be held under the provisions of this act the question shall be submitted to the electors of said county, under the plan hereinafter provided, whether or not a dispensary shall be established in and for said county.

What ballots shall contain.

Sec. 6. The ballots to be issued in said election shall consist of a strip of white paper, of suf-

ficient size having printed thereon the words, "I favor a dispensary," and immediately under the above mentioned words shall be printed the words "I oppose dispensary."

Sec. 7. In the election herein provided for, an elector desiring to cast his vote in favor of the establishment of a dispensary, shall so indicate his intention by making a cross (x) mark immediately to the left of the words, "I favor a dispensary," and an elector desiring to cast his vote against the establishment of a dispensary shall so indicate his intention by making a cross (x) mark immediately to the left of the words "I oppose dispensary."

Sec. 8. It shall be the duty of the managers in the various precincts immediately upon the closing of the polls to canvass the votes as in general elections and certify the result of the same to the judge of probate of said county, in the same manner as certificates of the results of elections under the general election law is made. The judge of probate with the sheriff and clerk of the circuit court of Fayette county, Alabama, shall on Saturday after the third day following such election meet and canvass the returns of the various precincts and voting places of the county, and certify the result, and such certificate of the canvassing board shall be recorded in the minutes of the probate court of Fayette county, Alabama, and such record or a certified copy thereof shall be prima facie proof of the result of such election as therein stated.

Sec. 9. In the event that in the election as herein provided, a majority of the votes cast should be in favor of the establishment of a dispensary in and for said county, then the county of Fayette is hereby authorized in its corporate capacity to establish and maintain a dispensary for the sale of spirituous, vinous or malt liquors, intoxicating drinks and ciders, the same to be under the control and management of said county through its court of county commissioners.

Court of Co.
Commission-
ers to provide
place at county
seat.

Election of
dispenser.

Removal.

May employ
assistant.

Oath.

Bond.

Sec. 10. Prior to the first day of January next after the holding of the election herein provided for, it shall be the duty of the court of county commissioners of said county to provide a suitable and convenient place within the corporate limits of the town of the county seat of said county in which to establish and carry on such dispensary. And it shall be the duty of said court of county commissioners prior to the said 1st day of January to elect a man, who shall be of good moral character and sober habits, to be known as dispensary manager, who shall have charge and the management of said dispensary, under the supervision of the said court of county commissioners. Such manager shall be removable from the office as manager of such dispensary at the pleasure of said court. He shall with the consent of said court of commissioners employ or appoint such help or assistants as may be necessary in the conducting or managing of such dispensary.

Sec. 11. Before entering upon the discharge of his duties as such manager he shall take and subscribe to an oath that he will faithfully observe and keep the provisions and requirements of this act and the laws of the State of Alabama, regarding the sales of spirituous, vinous or malt liquors or intoxicants, and that he will faithfully and honestly perform and discharge the duties imposed upon him by the provisions of this act and the requirements of the court of county commissioners which oath must be in writing. Each of the assistants or helpers employed in such dispensary shall also be required to take and subscribe the same oath as required of the manager before entering upon the discharge of their duties. The manager shall before entering upon the discharge of his duties as such manager make and file with the court of county commissioners a bond to be approved by said court in the sum of three thousand dollars conditioned that he will faithfully and honestly discharge the duties as such manager and faith-

fully account for all moneys, goods or property of any kind coming into his hands or under his control as such manager, such bond shall be payable to Fayette county, Alabama, and for any breach thereof said county may recover the amount of damages sustained thereby, and such manager shall be held responsible for the faithful performance of the duties of his assistants. For his services as such manager he shall receive such compensation as the court of county commissioners may deem right and proper, not in any event dependent upon the amount of sales or profits of such dispensary.

Sec. 12. Such manager shall be elected for a term of one year and until his successor is elected and qualified. Term of office.

Sec. 13. The manager as hereinabove provided under the direction and control of the court of county commissioners of said county shall buy and sell spirituous, vinous or malt liquors, ciders and intoxicants and carry on the dispensary during his term of office and until his successor is elected and qualified. Under the supervision of said court of commissioners he, the said manager, shall provide a stock of liquors for the beginning of said business and have the same ready to open such dispensary by the first day of January next succeeding the date of the election at which such dispensary is authorized to be established under the provisions of this act. And it shall be the duty of said court of county commissioners before the said first day of January to set aside and appropriate out of the county treasury of Fayette county a sufficient sum of money not less than four hundred nor more than fifteen hundred dollars to be used by such manager in the purchasing of a stock of liquors and supplies with which to begin said business. Purchase and sale of liquors. Amount invested.

Sec. 14. Such dispensary shall be maintained and operated by the county of Fayette in its corporate name and capacity and all claims, bills and accounts due or owing by such dispensary County to maintain and operate, etc.

for stocks of supplies, for its operation or management shall be payable out of the dispensary fund of the county treasury of said county to be paid as other claims against the county are payable, after having been filed, passed upon and allowed by such court of county commissioners in the same manner as other claims are paid.

Moneys received, paid to county treasurer.

Reports of dispenser.

Duties of county treasurer as to money.

Account of sales kept by manager.

Sec. 15. It shall be the duty of the manager of such dispensary to pay over to the county treasury of said county at least once every week, and oftener if such court of county commissioners require it to be done, all moneys received by said dispensary, and shall report the amount so paid at the time of making such payment to the court of commissioners, and he shall also file a report with said court at the close of each month showing the amount of liquors sold during said month, the amount of liquors on hand at the beginning of the month, the amount on hand at the close of the month, the amount purchased during such month, the amount of money paid out during the month, the expenses incurred and the profits realized, which reports shall be kept on file in the office of the judge of probate of said county.

Sec. 16. It shall be the duty of the county treasurer of said county to receive the money arising from the management of said dispensary to keep an accurate account of the same separate and apart from all other moneys coming into his hand, and such account shall be known as the dispensary account. All expenses arising or incurred by the management or operation of such dispensary shall be paid out of such dispensary fund and accounts of the same kept by such treasurer.

Sec. 17. The manager shall in addition to the reports required of him by section 15 of this act keep an accurate amount of each day's sales, showing the amount of each sale the amount of cash received for each sale and the total amount of sales made for each day, also the total amount of sales made and cash taken in for each week

which reports shall be filed with the judge of probate at the close of each week for the use of the court of county commissioners. And such court may require of such manager any other information or such other reports regarding the conducting of such dispensary and the management thereof as they may deem proper.

Sec. 18. The monies arising from the management and operation of said dispensary shall be turned over to the county treasurer of Fayette county and an accurate account of the same kept and shall be distributed as follows to-wit: After first deducting all the expenses of operating such dispensary forty per cent. of the remainder shall be paid into the town treasury of the town in which such dispensary is operated, which shall be in lieu of any privilege or license tax levied or collected by such town, thirty per cent shall be turned over to the county superintendent of said county for the use of the public schools of said county to be disbursed by such county superintendent throughout the county to the various districts, such disbursements to be made on a per capita basis, each district receiving from such fund an amount proportionate to the whole of such fund as the number of children of such district bears to the number of children within the school age of said county. Fifteen per cent. shall be used by said county for the betterment of the public roads of the county and the other fifteen per cent. shall be turned over to the judge of probate of said county to be divided among the Confederate soldiers of such county, each soldier receiving an amount from said fund in proportion to the amount received by him as a pension from the State. The payments to the county superintendent of education and to the town treasurer shall be made on the first days of January and July of each year; provided that such distribution shall be in lieu of any town or county license tax for the operating or carrying on of such business.

Disposition
of net profits.

License tax on dispensary. Sec. 19. Such dispensary operated under the provisions of this law shall annually pay into the treasury of the State as a license tax the same amount of money that in the year of 1906 was required by law to be paid by a retail liquor dealer in the town of Fayette of said county as a State license tax, which shall be paid on or by the 15th day of January of each year as other license taxes are paid.

Stock of liquors kept. Sec. 20. Said manager shall at all times keep a stock of spirituous, vinous or malt liquors, ciders and other intoxicants on hand in such quantities as the court of commissioners may direct. And the sales made by said manager shall be strictly for cash and he shall turn over all monies to the county treasurer of said county, taking his receipt therefor.

Sales only for cash. Sec. 21. The manager shall not sell any liquor of any kind in any quantity less than one half pint, he shall not make more than one sale to the same person in any one day and he shall not make any sale between the hours of six P. M. of one day, and six A. M. of the next day.

Quantity sold. Sec. 22. Said manager shall not himself drink, consume or give away liquor or intoxicants of any kind or in any quantity on the premises, on which said business is conducted. Said manager shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises but this section shall not be construed so as to prohibit the manager or some employe designated by him from sampling liquors which he may contemplate purchasing. Said manager shall report to the grand jury any one whom he believes to be guilty of violating the provisions of this section.

Hours for sale. Sec. 23. The manager shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive nor keep any broken packages in his dispensary. If any original package should be broken the contents shall be bottled and the bottle sealed.

Drinking on premises not allowed.

Liquors sold only in sealed packages.

Sec. 24. No spirituous, vinous or malt liquors or intoxicating drinks shall be sold in said county except as herein provided. Sale otherwise not allowed.

Sec. 25. The provisions of this act shall not operate or be construed to repeal any law or laws prohibiting the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors in Fayette county, except as herein provided. Effect of act.

Sec. 26. Any person violating any of the provisions of sections 11, 15, 17, 21, 22, 23, 24 and 27 of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months. Penalty for violation.

Sec. 27. It shall be unlawful for any person to loiter around such dispensary or on the premises thereof, and it shall also be unlawful for the manager to allow or permit persons to loiter around the same. Loitering unlawful.

Approved August 9, 1907.

No. 678a.)

AN ACT

(S. 583.)

To Authorize the Court of County Commissioners of Perry county, Alabama, to fix the ex-Officio Fees of the Sheriff of said County.

Section 1. Be it enacted by the Legislature of Alabama, that for impaneling grand juries, advertising and attending all elections in his county and for all other public services not otherwise provided for, the sheriff of Perry county be allowed such sum by the court of county commissioners, to be paid out of the county treasury, not exceeding five hundred dollars (\$500.00) per annum. Compensation of sheriff for certain services.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby repealed. Repeal.

Approved August 7th, 1907.

No. 679a.)

AN ACT

(S. 567.)

To authorize the incorporated towns and cities of Tuscaloosa County to establish, maintain and operate dispensaries, and in and through such dispensaries to buy and sell spirituous, vinous and malt liquors, and to prohibit and punish the selling of liquors and intoxicating drinks in said counties in any other way than by such municipal corporations through their dispensaries; to declare that the violation of certain provisions of this act shall be a misdemeanor and to provide for the punishment thereof; to further regulate the sale of liquors in said county; and to repeal an act entitled, "An Act to authorize all incorporated towns and cities in Tuscaloosa county to buy and sell spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county." Approved on the 27th day of February, 1901:— this act not being intended, however, to repeal or effect any existing law under which the sale of liquors in said county may hereafter be prohibited. Be it enacted by the Legislature of Alabama as follows, to wit:—

Dispensaries authorized.

Section 1. Each incorporated city or town of Tuscaloosa county, except the towns hereafter described, shall have authority to establish, maintain and operate in its corporate name, in its corporate capacity and through its Legislative body, the business of buying and selling spirituous, vinous, and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The places at which said business of buying and selling liquors is carried on shall be called a dispensary. The term "dispensary" in a general sense includes the place at which liquors are stored. But in this act the term when it refers to a particular place refers to the place where liquors are sold. In each of said towns or cities

which has a population of ten thousand persons or less, there shall be one dispensary, and only one. In towns or cities that have a population greater than ten thousand, and not exceeding twenty thousand, there may be two dispensaries. In general there may be in each city a dispensary for every ten thousand of its population. Cities whose population is over twenty thousand, and between multiples of ten thousand, may have a dispensary for every ten thousand of its population, and an additional dispensary for the excess of its population over the lower one of the said multiples. But no dispensary shall be established in a town that has less than three hundred inhabitants. The population of towns and cities shall be determined by the last preceding federal census. These dispensaries shall be established, and carried on only within the corporate limits of such towns or cities. Each municipality that carries on such business shall invest in the business at the outset a sum of money not less than three hundred dollars, nor more than ten thousand dollars for each dispensary it may establish and carry on. The liquors bought and sold, as herein provided, shall be of the purest and best quality.

Sec. 2. The office of purchasing agent for the dispensary is hereby created, and there shall be a purchasing agent for each dispensary that is, or may be established. The first purchasing agent for any dispensary that is established in said county shall be elected within sixty days after the approval of this act, and the term of office of said purchasing agent shall begin on October 1, 1907, and continue during the remainder of said year 1907, and for two years after said year 1907. The term of their successors in office shall be two years. Purchasing agents shall not hold office for more than two terms in succession. But the filling of a vacancy shall not be considered as one of said successive terms. Under all events, however, such purchasing agent shall hold office until his successor is elected and qualified. The purchasing agent shall deliver to

Purchasing agent; election duties, term of office, etc., etc.

his dispenser, the man who fills an office herein-after created, all the liquors that are to be sold in the dispensary. The purchasing agent is authorized to employ a chemist to inspect and analyze any liquors which he contemplates purchasing, or has already purchased, and he shall not deliver to the dispenser any liquor which the chemist has pronounced unsuitable for use. Said agent shall return such unsuitable liquors, if he has bought any of that sort, to the person, firm or corporation from whom he bought them and make reclamation therefor. He may buy in bulk and have the liquors put in bottles. Whiskies, brandies and gin shall be put in bottles that hold only one pint, bottles that hold only one-half of a pint, in bottles that hold only one-fourth of a pint, in bottles that hold only one-eighth of a pint, and in bottles that hold only one-sixteenth of a pint,—to the end that persons may be able to buy whiskeys, brandies and gin in the small quantities above mentioned. But no whiskies, brandies or gin shall be put in bottles or other packages that hold more than one pint. The premises in which the bottling is done shall be different from those in which the dispensary is situated. But they shall be in the same town as the premises, of the dispensary. The place where the liquors are received and bottled and from which they are sent to the dispensary shall be called the storage room. The storage room shall be a part of the dispensary. But when the term dispensary is used in this act to designate a particular place, it refers, unless the contrary is indicated by the context, to be the place where liquor is sold, and not to the storage room. This storage room shall not be open and work shall not be done in the same between the hours of 6 p. m. of one day and 6 a. m. of the next day. The purchasing agent shall pay cash for all liquors purchased by him, by drawing his warrant on the dispenser, and the dispenser shall pay said warrant. The purchasing

agent shall not sell or give away any liquor whatever. Each purchasing agent shall select and appoint each and every assistant servant and employee that may be used in or about his work, and he shall be liable civilly for the acts and omissions of each of said assistants, servants and employees. The number of the purchasing agent's assistants, servants and employees, and the salaries and wages to be paid to each, shall be determined by the legislative body of the town or city in which the dispensary is located. Said salaries or wages shall be paid monthly on the last day of each month, and they shall be made known to the assistants, servants and employees before such assistants, servants and employees are engaged. Said salaries and wages shall in no way or manner whatever be made or permitted to depend upon the amount of the sales of the dispensary. The purchasing agent shall keep an accurate account of what he purchases and what he delivers to his dispenser. He shall fix the selling price of liquors, and when bottling liquors he shall put a label on each bottle which shall state the kind and price of the liquor it contains. The price shall be an amount not greater than fifty per cent (50 per cent) above the original cost or invoice price. He shall keep an accurate account of all liquors purchased by him and of all liquors delivered by him to his dispenser, and for all liquors so delivered he shall take a receipt from the dispenser. On the first day of each month the said purchasing agent shall make a report to the legislative body of his town or city on such forms and in such way and manner as said body may direct. All books, papers, accounts and records of the purchasing agent shall at all times be open to the inspection of the dispenser and of the legislative body of his town or city and of every member of said body, and of every citizen of the county. Under the provisions of this act and under the ordinances, rules and regulations of the legislative body of the town or city in which the dispensary

is located which said ordinances, rules and regulations shall in no wise be inconsistent with the provisions of this act, each purchasing agent shall manage and conduct the storage room of the dispensary for which he was elected and discharge the duties of his said office.

Penalty for
taking rebate,
etc.

Section 3. If the purchasing agent personally takes or receives, directly or indirectly, any commission, percentage, rebate, gift, present or compensation of any kind whatsoever, on account of his connection with his office, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one thousand dollars, and also be sentenced to hard labor for the county for not more than twelve months, one or both at the discretion of the jury.

Dispensers,
election, term
of office, duties
etc.

Section 4. The office of dispenser is hereby created, and there shall be a dispenser for each dispensary that may be established. John M. Daniel shall be the first dispenser under this act for the city of Tuscaloosa, and his term of office shall continue until the first day of January, 1908. Jesse M. Griffin shall be the first dispenser under this act for the town of Northport, Alabama, and his term of office shall continue until the first day of January, 1908. The term of their successors in office shall be two years. Dispensers shall not hold office for more than two terms in succession. But the filling of a vacancy shall not be considered one of said successive terms. Under all events each dispenser shall hold office until his successor is elected and qualified. Under the provisions of this act, and under the ordinances, rules and regulations of the legislative body of the town or city in which the dispensary is located, which said ordinances rules and regulations shall in nowise be inconsistent with the provisions of this act, each dispenser shall manage and conduct the dispensary for which he was elected; each dispenser shall select and appoint each assistant, servant and employee that may be used in or about his dispensary, and he shall be liable civilly for the acts

and omissions of each of said assistants, servants and employees. The number of the dispenser's assistants, servants and employees, and the salaries and wages to be paid to each, shall be determined by the legislative body of the town or city in which the dispensary is located. Said salary or wages shall be paid on the last day of each month for services rendered during that month. Such salaries and wages shall in no way or manner whatever be made, or permitted to depend upon the amount of the sales of such dispensary.

Section 5. For the purpose of aiding, as hereinafter prescribed, in the selection of purchasing agents for the towns and cities of Tuskaloosa county in which dispensaries are or may be established, a meeting of the court of county commissioners shall be called whenever necessary. A meeting of said court, regular or called, shall be necessary within thirty days after the approval of this act. At any regular or called meeting of said court of county commissioners, that may be held within thirty days after the approval of this act, and at any regular or called meeting of said court that may be held between the last day of September, 1909, and the sixteenth day of December of that year, and at any regular or called meeting of said court that may be held between the last day of September and the sixteenth day of December of every second calendar year after said period of said last mentioned year, said court of county commissioners shall furnish to the mayor, or other chief executive, of the towns and cities in said county in which dispensaries are established or are herein authorized to be established, the names of three times as many men as the number of dispensaries established or to be established in such towns and cities of said county, specifying the men who are nominated or assigned to each town or city in said county and stating that the men whose names are so furnished are the men from whom the legislative body of such towns and cities

Manner of selecting purchasing agents.

must select its purchasing agent or purchasing agents. These men shall be residents of said county, shall be at least twenty-one years old, and shall be regarded as honest, temperate, law-abiding, and competent to act as purchasing agent or purchasing agents. Before the first day of the first term of office, and before the first day of each succeeding term of office of the purchasing agent herein provided for, the legislative body of each of said towns and cities shall, from the names so nominated and furnished, elect its purchasing agent or purchasing agents for its own town or city, assigning to each purchasing agent the dispensary in connection with which the agent is to work.

Manner of selecting dispensers.

Section 6. For the purpose of aiding, as hereinafter prescribed, in the selection of dispensaries for the towns and cities of Tuskaloosa county in which dispensaries are or may be established, a meeting of the court of county commissioners shall be called whenever necessary. At any regular or called meeting of said court of county commissioners that may be held within thirty days after the approval of this act, and at any regular or called meeting of said court that may be held between the last day of September, 1909, and the sixteenth day of December of that year, and at any regular or called meeting of said court that may be held between the last day of September and the sixteenth day of December of every second or alternate calendar year after said last mentioned year, said court of county commissioners shall furnish to the mayor, or other chief executive, of the towns and cities in said county in which dispensaries are established or are to be established, the names of three times as many men as the number of dispensaries established or to be established in such towns and cities of said county, specifying the men who are nominated or assigned to each town or city in said county and stating that the men whose names are so furnished are the men whom the legislative body of such towns and cities must select

its dispenser or dispensers. These men shall be residents of said county, shall be at least twenty-one years old, and shall be regarded as honest, temperate, law-abiding, and competent to manage and conduct a dispensary in said towns or cities. Before the first day of the first terms of office and before the first day of each succeeding term of office of the dispensary herein provided for, the legislative body of each of said towns and cities shall, from the names so nominated and furnished, elect a dispenser or dispensers for its town or city, assigning to each dispenser his dispensary. Said dispenser under the direction and control of the legislative body of the town or city in which his dispensary is situated so far as said direction and control are not inconsistent with the provisions of this act shall sell liquors and manage and conduct the dispensary for a term of two years, and until his successor is elected and qualified. But he shall not interfere with the duties and privileges of the purchasing agent that are herein prescribed, or control him in such matters. Each town or city that has a dispensary shall provide its dispenser with whatever money, within the aforesaid limits, that it wishes to use in conducting the business. Before entering upon the duties of his office, each dispenser shall make affirmation before an officer authorized to administer oaths that he will obey all laws of the State of Alabama, and of the town or city of which he is dispenser, relative to the sale, giving away or delivery of liquors of any kind. He shall also, before beginning business, execute to his town or city a bond, conditioned for the honest and faithful discharge of his duty as such dispenser. Said bond shall be for the sum of three thousand dollars, shall have two sufficient sureties, and shall be approved by the mayor, or other chief executive of said town or city. For neglect of business, incompetency, misfeasance or malfeasance in office, a dispenser may be impeached by the legislative body of the town or city of which he

Oath of.
Bond of.
Removal.

Vacancy.

is dispenser, and, for cause, to be judged of by said body, said dispenser may be removed from office. Whenever a vacancy in said office occurs in any town or city, from any cause whatever, the mayor, or other chief executive of such town or city, shall certify that fact to the judge of probate of said county. Said mayor, or other chief executive of such town or city may appoint a temporary dispenser until the vacancy shall be filled as hereinafter provided. But such temporary dispenser shall in no event hold office longer than twenty days. Said judge shall immediately call a meeting of the court of county commissioners of his county, and said court shall nominate and furnish to said mayor, or other chief executive, the names of three men having the aforesaid qualifications for dispenser, and from these three names the legislative body of said town or city shall elect a dispenser to fill the vacancy.

Provisions applicable to purchasing agents.

Section 7. All the provisions of the foregoing section in reference to the mode of electing dispensers, the oath and qualifications of dispensers, the bond and liabilities of dispensers, the impeachment of dispensers, the filling of vacancies in the office of dispenser, and all other provisions of said section, unless the contrary is indicated in the context, or in section five (5) of this act or elsewhere in this act, shall, the names being changed, apply to and be observed in the case of purchasing agents.

As to dispensaries at Tuscaloosa and Northport.

Section 8. Dispensaries having been established in the city of Tuscaloosa and in the town of Northport in said county, the assets of said dispensaries under the act under which said dispensaries are now being operated shall be the assets of said respective dispensaries under this act. The liabilities of said dispensary under the act under which said dispensaries have been operated shall be the liabilities of said respective dispensaries under this act. John M. Daniel having been elected to be the dispenser in Tuscaloosa under the act under

which the Tuskaloosa dispensary has been operated to hold office until January 1, 1908, shall be dispenser under this act for the remainder of said term. Jesse M. Griffin having been elected to be the dispenser in Northport under the act under which the dispensary in Northport has been operated, to hold office until January 1, 1908, shall be the dispenser under this act for the remainder of the said term.

Section 9. The legislative or governing body of the towns and cities in which dispensaries may hereafter be operated under this act shall pay to its purchasing agent or purchasing agents and to its dispenser or dispensers a salary which shall be fixed by said body before the purchasing agents and dispensers are elected and shall not be changed during their term of office. The salary of dispensers shall be fixed by the legislative body of their towns or cities. But such salary shall not be less than five hundred dollars nor more than twenty-five hundred dollars per annum, and shall be paid in equal monthly installments on the last day of each month. The salary of the purchasing agent shall be eighty per cent, of that of the dispenser and shall be paid monthly on the last day of each month. Said legislative body shall not make or permit the amount of the salary of any purchasing agent or the amount of the salary of any dispenser to depend in any way, or in any degree whatever, on the amount of sales that may be made by its dispenser or dispensers. ^{Salary of purchasing agents and dispensers.}

Section 10. The dispenser shall not sell, hand, or deliver liquors to the same person oftener than once in any one day whether the sale, handing or delivery be made to such person on his own account or for his own use and benefit, or on account of or for the use and benefit of some other person, or of some firm or corporation. The dispenser shall not make any sale between the hours of 6 p. m. of one day and 6 a. m. of the next day. ^{Limit on sales to same person.} ^{Hours for sales.}

Penalty for
violation.

Section 11. If the dispenser, or any of his assistants, servants or employees, sells, hands, or delivers liquors of any kind to the same person oftener than once in any one day, or makes any sale of such liquors between the hours of 6 p. m. of one day and 6 a. m. of the next day the person so selling, handling or delivering shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars. Any person who purchases, or attempts to purchase, liquor from the dispenser, or from any of his assistants, servants or employees, oftener than once in any one day shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars.

Unlawful to
drink on
premises.

Section 12. Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity, on the premises of his dispensary. Said dispenser shall not permit or suffer any assistant, servant, employee, purchaser, or any person whomsoever to drink, consume, or give away any liquor on said premises. Said purchasing agent shall not himself drink, consume, or give away liquor of any kind, or in any quantity, on the premises of the storage room. Said purchasing agent shall not permit or suffer any assistant, servant, employee, or any person whomsoever to drink, consume, or give away any liquor on the premises of his storage room. But this section shall not be construed so as to prohibit the dispenser or purchasing agent, or some employee designated by the latter, from sampling liquors which the purchasing agent may contemplate purchasing. Said dispenser and said purchasing agent shall report to the grand jury any one whom they, or either of them, believe to be guilty of violating the provisions of this section.

Penalty for
violation.

Section 13. Any person who drinks or consumes any liquor on the premises of the dispensary or on the premises of the storage room except the dispenser, the purchasing agent, or an

employee of the purchasing agent when they are sampling liquors, as permitted in section twelve of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars.

Section 14. The dispenser shall not keep in his dispensary any broken package of liquors. If any package should accidentally be broken, the contents shall at once be bottled and the bottle sealed. The dispenser shall not keep on hand or sell any spirituous, vinous or malt liquors that are not contained in sealed packages. ^{Liquors kept only in sealed packages.}

Section 15. The dispenser shall not sell liquors of any kind except those which he receives from the purchasing agent of his dispensary. ^{Sales.} He shall not sell on Sundays, or sell to minors or to persons of known intemperate habits. He shall not sell at one time more than one pint of whiskey, brandy, gin, or ale, or of any two of these liquors, or of all of them together. But the dispenser may sell at one time to persons residing outside the corporate limits of both the city of Tuskaloosa and the town of Northport as much as one quart of whiskey, brandy, gin or ale, or of any two of them or of all of them together. But before making such sale the dispenser may require such applicant to sign a written statement that he lives outside the corporate limits of both said city and said town. The dispenser shall sell for cash only. He shall keep an accurate record of the amount of each day's sales. All books, papers, accounts and records of the dispenser shall at all times be open to the legislative body of his town or city and of every member thereof and of every citizen of the county. On the first day of each month each dispenser shall make to the legislative body of his town or city a complete statement of the assets and liabilities of his dispensary as they stood on the last day of the preceding month. Said report shall also state the average number of sales for each business day during the preceding month. Said report shall at once be published in a

newspaper published in the dispenser's county. Such report shall be made on such forms and under such directions, rules and regulations as the legislative body may prescribe. In said report the dispenser shall give full and accurate information as to the condition, expenses, profits, losses and status of his business. He shall give other and additional information, orally or in writing, whenever and as often as the legislative body of his town or city or any member of said body may require.

Penalty for
violation.

Sec. 16. If the dispenser or any of his assistants, servants or employees sells, hands, or delivers any liquors except those which the dispenser has received from the purchasing agent of his dispensary, or sells, hands, or delivers any liquor on Sunday, or sells, hands, or delivers any liquor to minors or to persons of known intemperate habits, or sells, hands or delivers at any one time more than one pint of whiskey, brandy, gin or ale, or of any two of these liquors or of all of them together, except as is allowed in section fifteen of this act, such dispenser, servant or employee shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than two nor more than one hundred dollars (\$100.00). If the dispenser, or any of his assistants, servants, or employees sells, hands or delivers liquors of any kind to any person when he knows, or has cause to believe, that the dispenser, or any other officer, servant or employee of the dispensary has previously sold liquors to such person during that day, then the person so selling, handling or delivering such liquor shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars. If the dispenser, or any of his assistants, servants or employees sells more than one quart of whiskey, brandy, gin or ale, or of any two of these liquors, or of all of them together, to any person who resides outside of the corporate limits of both the city of Tuskaloosa and the town of Northport, such dispenser, servant

or employee shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars.

Section 17. Subject to the provisions of this act, the legislative body of the towns and cities of Tuskaloosa county may maintain and operate dispensaries, and regulate and control the management and conduct of the same.

Legislative
bodies to
maintain and
operate.

Section 18. The dispenser shall buy furniture, fixtures, and appliances for his dispensary and for the storage room, pay all expenses of the dispensary, including those of the storage room, and take a voucher for all money disbursed.

Purchase of
furniture, fix-
tures, etc.

The expenses of the storage room shall be paid by the dispenser on warrants drawn on him by the purchasing agent. Unless instructed by the legislative body of his town or city not to keep the dispensary money in a bank, the dispenser shall deposit the proceeds of each day's sales and all other dispensary money, if he has any, in some solvent bank. The dispensary money shall not be put on the dispenser's individual account in the bank, but shall be placed to his credit as dispenser, and the dispensary money shall not be mixed with the dispensers private funds. Only the dispenser is authorized to draw drafts or checks for dispensary money deposited in a bank.

Money re-
ceived; how
deposited, etc.

On the first day of each month, the dispenser shall pay to the treasurer of his town or city sixty per cent. of the net profits of the dispensary for the month preceding, and to the treasurer of his county forty per cent. of said net profits. The money so paid to the treasurer of the town or city shall be the exclusive property of such town or city, and may be used by the legislative body thereof in any way in which said body is authorized to spend other money of said town or city. The money that is paid to the county treasurer shall be used and applied in the following manner. One third of said sum shall be used in giving pensions to such confederate veterans of said county as are entitled to receive pensions under the laws of the State. One-third

Disposition of
net profits.

of the dispensary money given to said county shall be applied by the county commissioners of said county to the promotion of the public schools of said county outside of the town in which the dispensary is located. One-third of the money given to said county shall be applied by the county commissioners of said county to the improvement of the public roads of said county. Money that is to be paid to confederate veterans shall be distributed under the direction of said county commissioners. But such distribution and payment shall be made, as far as practicable, in the same manner in which confederate pensions are distributed and paid by the State, except that State officers shall have nothing to do with the handling of such money. The capital stock of dispensaries established or operated in Tuskaloosa county under the provisions of this act, including furniture, fixtures and appliances, shall be and remain the exclusive property of the several towns and cities in which the dispensaries are respectively established.

Drinking with-
in 50 yards
unlawful.

Section 19. No person shall drink any liquor within fifty yards of the premises of the dispensary, unless he drinks it on his own premises lying within such fifty yards. No person who lives or does business on premises that are within fifty yards of a dispensary shall permit any person, not a member or guest of his family, to drink or consume any liquors on his said premises. Any one who purchases or furnishes or aids in purchasing or furnishing the liquor which he drinks within the fifty yards above described in this section, shall not be considered a guest within the meaning of this section. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars and not more than ten dollars.

Penalty.

Section 20. No spirituous, vinous or malt liquors, or intoxicating drinks or beverages of any kind shall be sold in said county of Tuskaloosa,

except by and through dispensaries herein provided for. But nothing in this act shall be construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale, in sealed packages to dispensers in said county. Any person who violates the provisions of this section shall be guilty of a misdemeanor and, on conviction, shall be fined not less than twenty and not more than one hundred dollars. Unlawful to sell otherwise than by dispensaries, exception. Penalty.

Section 21. The dispensaries established under this act shall be located in a public and convenient place. No gates, doors, windows, or opening of any kind shall connect any dispensary with any adjacent house or lot so as to permit ingress into or egress out of such house or lot from or into the dispensary. No blinds or screens shall be set up or used in such dispensaries. No gaming or loitering shall be allowed in said dispensaries. Throughout the night a light or lights shall be kept burning in the dispensary, and no doors, blinds, curtains, shades, screens, or other things shall be allowed to prevent persons on the outside of the dispensary from seeing inside thereof. The provisions of this section in reference to dispensaries shall apply to and be observed in the case of storage rooms. Dispensaries; how located, etc. Applicable to storage rooms.

Section 22. The term "legislative body" where it appears in this act, is intended to mean or designate the law-making body of the towns or cities herein referred to, whether said body is called mayor and aldermen, board of mayor and aldermen, council, town council, city council, intendent and town council or by some other name. Meaning of term "legislative body."

Section 23. The act entitled "An act to authorize all incorporated towns and cities in Tuscaloosa county to buy and sell spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county," approved on the Act repealed.

Effect of act.

27th day of February, 1901, is hereby repealed. But the dispensaries established under said act are not discontinued by the repeal of said act. Such dispensaries shall be maintained, conducted and operated under the provisions of this act. But this act shall not be construed to prevent or defeat the force and effect of any election that may be held in Tuscaloosa county under the provisions of an act of the legislature, approved in February or March, 1907, authorizing an election to be held in said county in reference to the prohibition, vel non of the sale of spirituous, vinous, and malt liquors in said county.

Approved Aug. 9, 1907.

No. 681.)

AN ACT

(S. 530.)

To repeal an act entitled an act to abolish the county court of Marion county, approved Feb. 1, 1895, and to provide for a county court hereafter in Marion county, Alabama, under the code as heretofore.

Act repealed.

Section 1. Be it enacted by the legislature of Alabama That an act entitled "an act to abolish the county court of Marion county," approved February 1st, 1895, be and the same is hereby repealed.

Jurisdiction and duties of county court.

Section 2. That hereafter the county court of Marion county, Alabama, shall have the jurisdiction and perform the duties as provided by the code and general laws of the State for county courts, as it was heretofore in Marion county.

Repeal.

Section 3. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved August 7th, 1907.

No. 684.)

AN ACT

(S. 471.)

To amend section one of an act, approved December 7th, 1896, entitled an act to amend section 1 of an act entitled an act to protect the fish in Deer river, East Fowl river, West Fowl river, Little river and the tributaries of those streams in Mobile county, approved February 18th, 1895.

Section 1. Be it enacted by the legislature of Alabama, That section 1 of an act approved December 7th, 1896, entitled an act to amend section one of an act entitled an act to protect the fish in Deer river, East Fowl river, West Fowl river, Little river and the tributaries of those streams in Mobile county, approved February 18th, 1895, be amended so as to read as follows: Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person to use for the purpose of catching fish in Deer river, East Fowl river, West Fowl river, Bayou La Batre, Little river and the tributaries of those streams or within three hundred feet of the mouths of said streams, any seine, gill net, or tresmire net, or net of like kind; Provided however, that the foregoing section shall not apply to nets known as cast nets. Act amended.
Unlawful to seine, etc.

Approved August 7th, 1907.

No. 689.)

AN ACT

(H. 1337.)

To be entitled an act to require the sheriff of Lawrence county to procure from the office of the United States Internal Revenue Collector for the State of Alabama, a list of persons, firms, or corporations in Lawrence county, to whom licenses have been issued for the sale of spirituous, vinous, or malt liquors, and to publish the same in some newspaper published in said county.

Sheriff to procure and publish list. Section 1. Be it enacted by the Legislature of Alabama That the sheriff of Lawrence county, Alabama, shall between the 1st and 15th days of January and July of each and every year, procure from the office of the United States Internal Revenue Collector, for the State of Alabama, the name and place of business of each person, firm or corporation, to whom a United States license has been issued to sell spirituous, vinous or malt liquors in the county of Lawrence during the preceding twelve months, and such sheriff shall immediately thereafter cause to be published, for three weeks, in some newspaper published in said county, the name and place of business of each of said persons, firms or corporations.

Compensation of sheriff. Section 2. That for said services the said sheriff shall receive twenty-five dollars per annum and the expense and costs of obtaining said list, and the expense and costs of publishing the same, to be paid out of the general fund of the said county of Lawrence.

Penalty for failure. Section 3. That if the sheriff of said county of Lawrence shall fail or refuse to comply with the provisions of this act, he shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding five hundred dollars, and may be sentenced to hard labor for the county for not exceeding six months.

Repeal. Section 4. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby especially repealed.

Approved August 9, 1907.

No. 692.)

AN ACT

(H. 1165.

To amend an act entitled an act to establish a separate school district to be known as the Elba school district in Coffee county Alabama, and to provide for the management of the public schools in said district, approved

February 28, 1901, as amended by an act approved September 28, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That section 3 of an act entitled "An Act to establish a separate school district to be known as the Elba school district in Coffee county, Alabama, and to provide for the management of said schools in said district," approved February 28, 1901, which said act was amended by an act approved September 28, 1903, be and the same is hereby amended so as to read as follows: That the mayor and councilmen of the town of Elba and their successors in office shall constitute a board of trustees for said district, which board shall control and manage the schools and funds of said district under the terms of this act. The county board of education shall apportion to the town of Elba the school funds in the same manner that the funds are apportioned to other districts and the county superintendent shall pay to the treasurer of the town of Elba the proportionate share of said district in all of the school funds of the State, and the county superintendent, shall, in like manner, pay over to the treasurer of the town, the proportionate share of said district in the county school fund arising from local taxation, and other sources, and all the poll taxes paid by residents of said district, shall be paid over to the treasurer of said town of Elba, and the said town treasurer shall keep all said school funds separate from other municipal funds and pay it out only on the order and warrant of said board of trustees, and for the maintenance of the public schools of said district. Said treasurer shall make report to said mayor and councilmen, or such board when called on of the amount of school funds on hand, and make report of his collections and disbursements under this act. That all powers of township trustees shall be assumed and exercised by said board in said district.

Act amended.

Board of trustees.

Funds; how apportioned, etc.

Repeal.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved August 9, 1907.

No. 694.)

AN ACT

(H. 810.

To establish a board of revenue for Houston County.

Board of
revenue estab-
lished.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby established a board consisting of five members to be called the board of Revenue of Houston county.

Districts and
members.

Sec. 2. Be it further enacted, That said county of Houston is hereby divided into five (5) revenue districts, numbered district No. 1, embracing beats 1, 2, 3, 4,; district No. 2, embracing beat No. 3; district No. 3, embracing beats No. 7, 8, 10, 14; district No. 4, embracing beats No. 6, 11, 12; district No. 5, embracing beats No. 9 and 13. That Y. L. Brackin from district No. 1, that N. B. Crawford from district No. 2, that N. S. Fellows from district No. 3, that A. J. Sellars from district No. 4, that Dan Hudspeth from district No. 5 be and the same are hereby named as said board of revenue for Houston county; that

Term of office.

their terms of office shall expire in the year 1910; that the term of office of said board of revenue shall be for six years and their successors shall be elected by the qualified electors of said county of Houston in the year 1910, and every six years thereafter, one each from said district as afore-said, in the manner provided by law for the election of county officers. Each member of said board of revenue must be a bona fide resident of the district from which he is elected.

Power and
authority of
board.

Sec. 3. That the board shall have power and authority to direct and control the property of said county as it may deem expedient, according to law, to levy a general tax for general and a

special tax for particular county purposes, according to the provisions of the code of Alabama; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit the accounts of all officers having the care, management, collections or disbursements of money belonging to the county or appropriated for its use and benefit.

Sec. 4. That said board shall have all the jurisdiction and all the powers which are now or may hereafter be by law vested in the courts of county commissioners of this State, and the several members of the said board of revenue of Houston county shall respectively perform all the duties and services and exercise all the powers which are or may be required by law, of the several members of the courts of county commissioners.

Same power & authority as courts of county commissioners.

Section 5. That all general laws hereafter enacted by the Legislature of Alabama in relation to the jurisdiction, powers, authority or duties of county commissioners in this State, shall apply to said board of revenue of Houston county, except so much of such general laws as may relate to the mode of selecting the members of said court of county commissioners, provided, that this act shall not be construed to impair the jurisdiction and authority of said Board.

Laws applicable.

Sec. 6. That said board shall have power and authority to compromise the outstanding debts of Houston county, to examine into and pass upon the regularity of warrants already issued, to classify and register outstanding warrants, and may pledge the credit of the county to raise money, to discharge the same as is now or may hereafter be provided by law.

Power to compromise debts, etc.

Sec. 7. That said board shall elect one of its members its president who shall be its presiding officer while said board is in session and who shall determine all matters in the event of a tie in the vote of other members and who shall sign the minutes of the proceedings of the board and who shall sign all warrants drawn on the county

President of board.

Duties, of etc.

treasury; and all orders for the payment or disbursement of the money or funds of the county. That it shall be the duty of said president of said board to receive and prepare business and obtain information for the sessions of said board and to see to the execution of all orders of said board, and for such last named services he shall receive reasonable compensation, not exceeding three dollars per day nor more than one hundred dollars per year, to be fixed by said board at the first meeting for each year for the year services are to be performed. Provided that nothing in this section or in this act contained, shall in any wise abridge, alter or affect the powers, duties or jurisdiction granted by law to the State Tax Commission, its agents or officers or the county tax commissioner of Houston county.

Sessions of
board.

Sec. 8. That said board of revenue shall hold four sessions annually, viz.: on the third Monday in February and April, and August and November respectively of each year and may hold a special session at any time upon the call of the president or any three members of the board. Notice of said special session shall be given by advertisement for five days before such term in a newspaper published in Houston county.

Quorum, what
constitutes.

Sec. 9. That a majority of said board shall constitute a quorum for the transaction of business, and no funds belonging to the county shall be drawn or paid out except as authorized by said board, and a proper list and registry of all sums drawn or paid out, and of the nature of the claim, and of the person in whose favor drawn or paid out, shall be kept by the clerk of said board.

Clerk of board,
duties of, etc.

Sec. 10. That said board shall appoint a clerk of said board whose duties it shall be to attend the meetings of said board and shall issue all notices required by said board shall under the directions of said board keep the minutes and records of the proceedings of said board in well bound volumes provided for that purpose, said records to be kept in the office of the clerk of the circuit court of said county and to be open at all times to

the inspection of the citizens of said county, and generally to do and perform such duties and matters as may be required of him by said board. Such clerk shall be allowed two dollars and fifty cents per diem while said board is in session, and fifteen cents per hundred words for recording the proceedings of said board.

Sec. 11. That it shall be the duty of the clerk of each court in said county and of the register in chancery to render to said board within ten days after the adjournment of each term of said court a list under oath of all fines and forfeitures taken and judgments rendered during such term, for the use of said county.

List of fines and forfeitures made to board by clerk and register.

Sec. 12. That said board of revenue shall upon their regular meeting on the third Monday in February appoint overseers and apportioners of the public roads, and shall make such appointments every two years, and said term of office of said overseers and apportioners shall be for two years.

Appointment of overseers and apportioners.

Sec. 13. That the members of said board shall each be entitled to three dollars per day for each day of actual service rendered, five cents per mile for traveling to and from the settings of the said board to be paid by the county treasurer on or warrant signed by the president of said board.

Pay of members.

Sec. 14. That the board shall hold its sessions or meetings at the county seat.

Sessions; where held.

Sec. 15. That the court of county commissioners of Houston county be and the same is hereby abolished.

Court of county commissioners abolished.

Approved August 9, 1907.

No. 695.)

AN ACT

(H. 1201.

To regulate and prescribe the manner of electing county commissioners in the county of Walker, fix their compensation and provide for holding regular, special and adjourned terms of the court of county commissioners.

Election of
commission-
missioners.

Term of office.

Election of
successors.

Persons en-
titled to vote.

Terms of
court.

Compensa-
tion.

Effect of act
as to compen-
sation.

Repeal.

Be it enacted by the legislature of Alabama:

Section 1. That at the general election to be held on Tuesday after the first Monday in November, 1908, there shall be elected one commissioner in each commissioners' district in the county of Walker, the commissioners elected at that time in the uneven numbered districts shall hold office for the term of two years, and until their successors are elected and qualified, and the commissioners elected at that time in the even numbered districts shall hold office for the term of four years, and until their successors are elected and qualified.

Section 2. That after said first election held under this act elections for county commissioners for said county shall be held bi-ennially on Tuesday after the first Monday in November and their term of office shall be four years and until their successors are elected and qualified.

Section 3. That every qualified voter in said county shall be entitled to vote for one commissioner in each of the districts in which there is to be a commissioner elected at such election.

Section 4. That said commissioners' court shall hold regular terms on the first Monday in each month, and such adjourned and special terms as may be necessary: and such terms, regular, adjourned and special, may continue until the business of the court has been completed.

Section 5. That the commissioners elected under this act are entitled to four dollars (\$4.00) per day, for each day of actual service rendered, and five cents per mile for traveling to and from the sittings of the court.

Section 6. That the provisions of this act as to the compensation to be paid the commissioners, shall not become effective until the successors of the commissioners now in office are elected and qualified.

Section 7. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 9, 1907.

No. 697 1-2)

AN ACT

(H. 1305.)

To fix the salary of the county treasurer of Walker county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That after the expiration of the legal term of office of the present incumbent the salary of the county treasurer of Walker county, Alabama, shall be \$1,500.00 per annum to be paid in all respects as the salary is at present paid to the county treasurer. Salary of county treasurer.

Section 2. Said salary shall be paid in equal monthly installments upon warrants approved by the court of county commissioners payable to the county treasurer. How paid.

Section 3. That all laws and parts of laws in conflict with the provisions hereof be, and the same are hereby repealed. Repeal.

Approved August 9th, 1907.

No. 700.)

AN ACT

(H. 1386.)

To amend section two (2) of an act entitled "An act to regulate the practice in the circuit court of Calhoun county," approved 12th day of March, 1907. Be it enacted by the legislature of Alabama as follows:

Section 1. That section two (2) of an act entitled "An act to regulate the practice in the circuit court of Calhoun county," approved the 12th day of March, 1907, be and the same is hereby amended so as to make the same read as follows: Section 2. That all civil causes in said court shall be tried by the court without a jury, unless a jury shall be demanded in writing by the plaintiff at the time of filing the complaint or when said cause is at issue, or by the defendant not less than ten days before the first day of the term of the court at which said cause shall stand for Act amended. Jury trials; demand for.

trial provided that all causes brought to said circuit court by appeal, or by writ of certiorari shall be tried by the court without a jury unless a jury shall be demanded in writing by the plaintiff or defendant not less than four (4) days before the first day of the term of the court at which said cause shall stand for trial; provided that when a demand for a jury has been made by either plaintiff or defendant in any cause as above stated, that it shall not be necessary for the demand for a jury to be made at any succeeding term of the court to which the cause may be continued.

Approved August 9, 1907.

No. 701.)

AN ACT

(H. 1044.)

To alter or change the boundary line between the counties of Etowah and Calhoun in the State of Alabama, and as altered to establish the same.

Boundary line
changed.

Be it enacted by the legislature of the State of Alabama, That the certain part of the boundary line between the counties of Etowah and Calhoun in the State of Alabama hereinafter more particularly described, be and the same is altered or changed, and as changed the same is, Beginning at the north-west corner of section 30, T. 12, R. 8, thence south along range line to the point where said range line interescts the old Indian boundary line, thence south-easterly along said Indian boundary line to where the same is intersected by the section line between section 33, and section 34 of said township and range; thence north along said section line to the northeast corner of said section 33; thence east along section line between section 27 and 34 along the boundary line as now fixed and established by law.

Approved Aug. 9, 1907.

No. 704)

AN ACT

(H. 133

To amend an act entitled an act to establish an inferior court in precincts 21 and 37 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precincts and to define the jurisdiction and powers of said court and the judges thereof," approved Sept. 26, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That section 1 of an act entitled "an act to establish an inferior court in precincts 21 and 37 in Jefferson county, Alabama, in lieu of all justices of the peace, and notaries public, with powers of justices of the peace, in said precincts and to define the jurisdiction and powers of said court, and the judges thereof, approved Sept. 26, 1903, be amended so as to read as follows: Section 1. Be it enacted by the Legislature of Alabama; that there is hereby established an inferior court in precincts twenty-one (21) and thirty-seven (37) as now constituted in Jefferson county and in the city of Birmingham, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace, which shall be known and designated as the inferior court of Birmingham. There shall be two divisions of said court, which shall be known and designated as the first and second division, respectively, and said divisions may sit at the same time and place or at different places in said precincts or city, as may be determined by the judges thereof. That said court shall have all the power and jurisdiction now conferred, or which hereafter may be conferred, by law upon justices of the peace, or notaries public with jurisdiction of the justices of the peace, or on said court, and the judges of said court shall have and exercise all the power, jurisdiction and authority, and perform all the duties now prescribed by law, for justices of the peace in said precincts.

Section 1
amended.

Inferior courts
established.

Judges may
hold court
separately or
jointly.

Salary of
judges.

Clerks of
courts.

Duties, sal-
aries, etc., etc.

Section 2. That section three (3) of said act to create said inferior court, be amended so as to read as follows: That the judges of said court separately or jointly may hold any division of said court, and may hear and determine the causes pending therein. That each of the judges of said court shall receive a salary of eighteen hundred dollars (\$1,800.00) per annum, payable in equal monthly installments out of the county treasury upon their respective warrants drawn upon the county treasury; provided that the provision as to salary shall not be effective until the expiration of the terms of the present judges.

Section 3. That section four (4) of said act be amended so as to read as follows: That each judge of said court shall appoint a clerk thereof, which said clerks shall be known and designated as "clerk of the inferior court of Birmingham, first division," and "clerk of the inferior court of Birmingham, second division," respectively which said clerks shall keep their dockets, accounts, and issue processes as if each division of said court were a separate court. That each of said clerks shall give bond in the penal sum of one thousand dollars, payable to the county of Jefferson and conditioned as the bonds of the clerk of the circuit courts of this State, which bond shall be approved by and filed with the judge of the probate court, shall be subject to the same liabilities, and governed by the same laws, which now or may hereafter govern and apply to bonds of clerks of the circuit court. The term of said clerk shall be the same as that of the judge appointing him, unless sooner removed. Each of said clerks shall receive a salary of \$1,200.00 per annum, which shall be paid in monthly installments upon his warrant drawn upon the county treasury, and each of said clerks may with the consent and advice of the judge of his division appoint a deputy clerk, who shall receive a salary of \$600.00 per annum, payable in equal monthly installments out of the treasury of the county. The

clerk of each division of said court shall issue all processes issuing out of said division of said court, except warrants of arrest and writs of commitment which shall be issued by one of the judges of said court; and he shall keep a docket of the proceedings of the court and his business therein and shall certify appeals and certioraries; but all judgments and orders shall be signed by one of the judges. The fees and costs that are now allowed by law to justices of the peace in said precincts shall be taxed and collected as now provided by law in each case and shall by the clerks of said court, be paid into the county treasury. The constables of said precincts and the sheriff of said county shall be officers of said court, and shall execute all processes from said court and make due return thereof, and for their compensation shall receive the same fees, and emoluments as are now provided by law for like service in the courts of the justices of the peace in said precincts, which said fees shall be paid to the sheriffs and constables and not into the county treasury.

Section 4. That section nine (9) of said act be amended so as to read as follows: Be it further enacted, That the said court shall have, as against all justices of the peace, notaries public, ex officio justices of the peace and other inferior courts in lieu of justices in said county, exclusive jurisdiction of the civil cases defined as to amount and kind in section one (1) of this act where the defendant or defendants reside in precincts 21 and 37, except where the cause of action arose in or the contract sued on was made in the precinct of the residence of the justice attempting to exercise the jurisdiction, or where one or more of the co-defendants resides in the precinct of said justice of the peace or notary public. Any plaintiff, his agent or attorney, who institutes a suit against a defendant or defendants, who resides in precincts 21 or 37 in the city of Birmingham before any justice of the peace, notary public, ex-officio justice of the peace, of a precinct other than in that in which the cause of action arose, or the contract

was made, or of which one of the defendants is a resident, may be restrained by the judge of said inferior court from prosecuting said suit and the judge of said inferior court of Birmingham may issue a rule to said plaintiff, his agent or attorney to show cause why a suit, garnishment or other process alleged to have been brought in violation to this section, should not be dismissed, and may upon a hearing of said rule order the plaintiff, his agent or attorney to dismiss said suit, garnishment or other process if wrongfully instituted and may punish for contempt the disobedience of said orders. The plaintiff, his agent or attorney shall have the right to appeal to the circuit court or court of like jurisdiction from said order, within five days from the rendition of the same, upon executing a bond in the sum to be fixed by the court, not in excess of \$200.00, payable to the defendant and conditioned to pay the defendant all such damages as he may suffer by reason of the wrongful taking of such appeal.

Owner of judgment for \$50.00 or over may file same in probate office.

Section 5. The owner of any judgment or decree for \$50.00 or over rendered by the said court may file the same in the office of the judge of probate under the same procedure and in the same manner as now provided for filing, and registering judgments of courts of record, which judgment, when so filed and registered shall be a lien upon all the property of the defendant in the county where registered which is subject to levy and sale under execution; and such lien shall continue for six years from the date of the registration. The registration of the judgment, or decree shall be notice to all persons of the existence of the lien.

Terms of court.

Section 6. That said court shall be always open; that the terms of said court shall be a calendar month; that said court shall have power to set aside, vacate or modify its judgment upon motion made within five days after the rendition of the same, which said motion must be promptly determined.

Section 7. That it shall be the duty of the board

of revenue of Jefferson county at the expense of Jefferson county to provide suitable court rooms to hold said court and also provide all necessary dockets, books and other supplies necessary for the use of said court, and shall provide for the payment of the rent of court rooms, in case same are rented, and other incidental expenses.

Section 8. If any one of the judges of said court shall be unable to discharge the duties of his office, by reason of sickness, disqualification or inability to hold said court, it shall be the duty of the judge of probate of said county, upon request of such judge or written notice of one of the clerks of said inferior court of Birmingham, to appoint some practicing attorney resident of Jefferson county, who shall perform all the duties imposed upon the judge of said court, during the illness or disqualification or inability of the judge which said special judge shall receive the same compensation as the regular judges of said court.

Section 9. The offices of "clerk and deputy clerk of the inferior court of Birmingham" are hereby abolished, and in lieu thereof, there is created the offices of "clerk of the inferior court of Birmingham first division" clerk of the inferior court of Birmingham second division," and "deputy clerk of the inferior court of Birmingham first division," and "deputy clerk of the inferior court of Birmingham second division," which said offices shall be filled as hereinbefore provided.

Section 10. In case of emergency either judge of said court may appoint a suitable person to act as constable without bond except as hereinafter provided; and the person so appointed must perform the same duties and is liable to the same pains and penalties and is entitled to the same fee and compensation, as regular constables; but such special constable is not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collecting of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of

Board of
revenue to pro-
vide rooms,
etc.

Special judge.

Offices abol-
ished.

Offices cre-
ated.

Constable;
appointment
of, etc.

the property to be levied or payable to the defendant as is required by section 30 of the code of Alabama with sureties to be approved by the judge appointing such special constable.

Summons, issue of. Sec. 11. The summons must be issued by the clerk of the court and accompanied by the complaint of the plaintiff, or the cause of action endorsed on the summons, setting forth the cause of action. The summons must be executed by the constable, special constable, sheriff or other officer by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon, with the defendant, which fact he must return with the process.

Effect. Section 12. That said act shall go into effect immediately upon its passage.

Approved Aug. 9th, 1907.

No. 706.)

AN ACT

(H. 1242.

To establish an inferior court in precinct 45, in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public, with powers of justices of the peace, in said precinct, and to define the jurisdiction and powers of said court and of the judges thereof.

Court established. Section 1. Be it enacted by the legislature of Alabama, That there is hereby established an inferior court in precinct 45, in Jefferson county, Alabama, which shall be known and designated as the inferior court of Ensley. The said court shall have all the power and jurisdiction now conferred by law on justices of the peace of said precinct, or that may hereafter be conferred by law on the justices, or on said court, and the judge of said court shall have and exercise all the power and authority and perform all the duties now prescribed by law, or that may hereaf-

Powers and jurisdiction.

Duties, etc., of judge.

ter be provided by law for justices of the peace in said precinct.

Section 2. That there shall be a judge of said court, in said precinct, who shall have been a resident of Jefferson county for more than one year next before his election or appointment to said office, and who shall hold his office for a term of four years, and until his successor is elected and qualified, at the general election to be held in the year 1908, and each four years thereafter shall be elected a judge of said court by the qualified electors of said precinct. All vacancies in the office of the judge of said court shall be filled by appointment of the governor.

Judge, qualifications.

Terms of office.

Vacancy; how filled.

Section 3. That the judge of said court shall receive a salary of eighteen hundred dollars per annum, payable monthly out of the county treasury upon his warrant drawn upon the county treasurer.

Salary.

Section 4. That the judge of said court shall appoint a clerk thereof who shall give bond in the penal sum of two thousand dollars, payable to the county of Jefferson, and conditioned to faithfully discharge the duties of his office, which said bond shall be approved by and filed in the office of the judge of probate of said county, and also conditioned to pay over all money to the proper officers and persons to whom it is payable, and to faithfully account for all moneys coming into his hands by virtue of his office. Said clerk shall receive a salary of nine hundred dollars per annum, payable out of the county treasury in monthly installments upon his warrant drawn upon the county treasurer. The clerk of said court shall issue all processes issuing out of said court, except warrants of arrest and writs of committment, shall be issued by the judge of said court; and shall keep a docket of the proceedings of the court, and shall certify all appeals and certiorari; but all judgments and orders shall be signed by said judge. The fees and costs that are now allowed by the law to justices of the peace in said precinct shall

Clerk of court,

Bond, salary,

be taxed and collected as now provided by law in such cases, and shall, by the clerk of said court be paid into the county treasury; the constable of said precinct and the sheriff of said county shall be officers of said court, and shall execute all processes from said court and make due return thereof, and for their compensation shall receive the same fees and emoluments as are now provided by law for like services in the courts of the justices of the peace in said precinct, which said fees shall be paid to the sheriff and constable, and not into the county treasury.

Power to punish for contempt.

Section 5. That the judge of said court may punish for contempt in cases where the judge of the circuit court can punish for contempt, by a fine not exceeding ten dollars, and by imprisonment not exceeding five days, the said judge shall be a conservator of the peace, and shall have the powers as a committing magistrate in the same cases as now provided by law for justices of the peace, in said precinct and may take affidavits and issue warrants in felony cases returnable before himself or other magistrates having jurisdiction thereof, and may also take affidavits and issue warrants for misdemeanors directly returnable to any court having final jurisdiction thereof. And for his services in taking affidavits and issuing warrants he shall be entitled to the compensation now provided, which shall be taxed and collected as such costs are now taxed and collected in criminal cases.

Laws as to appeals and certiorari.

Section 6. That the law regulating appeals and certioraris of cases from the courts of justices of the peace shall be applied to the appeal and certiorari cases from the court established by the provisions of this act.

Cases in which court has jurisdiction.

Section 7. That said court shall have jurisdiction in all civil cases to the amount of one hundred dollars except in cases of libel, slander, assault and battery and ejectment within said precinct, and such jurisdiction as justices of the peace now have in said precinct. At the expiration of the terms of office of the present justices

of the peace and notaries public with powers of justices of the peace within said precinct, there shall thenceforth be no justices of the peace or notaries public, with powers of justices of the peace elected or appointed for said precinct and the terms of office of all justices of the peace and notaries public, exercising the powers of justices of the peace shall not extend beyond the general election of county officers in 1908.

Office of justice of peace and N. P. ex-officio J. P. abolished.

Section 8. That the judge of said court shall be liable for impeachment for the same causes and in the same manner as now provided by law for justices of the peace.

Impeachment of judge.

Section 9. That the judge of said court shall have the power to issue a restraining order to any justice of the peace of said county or notary public with powers of justice of the peace of said county, who assumes to exercise any of the exercise such jurisdiction, may be required to justice of the peace exercising or attempting to exercising such jurisdiction, may be required to show cause before the judge of said court, why he should not be punished for contempt for disobedience to such restraining order.

Power to issue restraining order.

Section 10. That upon expiration of terms of office of all and each of the justices of the peace, and notaries who are ex-officio justices of the peace in precinct 45 in Jefferson county, the dockets, official papers and records of all kinds of their respective offices shall be delivered to the clerk of the court hereby established and all causes pending in said court shall be by such delivery transferred to the court hereby established, and executions and other processes for the collection for the judgments of said courts may be issued from said inferior court including executions for costs, and upon the collection of costs in any case accrued before said transfer, the clerk of said inferior court shall pay said costs to justices of the peace or constables, or other persons or officers entitled to the same, and shall take a receipt therefor which shall be entered on the docket of said cause.

Books, etc., of certain officers delivered to clerk of court.

Duty of
county au-
ditor to audit
accounts.

Fee book
kept by clerk.

Section 11. That it shall be the duty of auditor of Jefferson county to audit the accounts of the said inferior court, and the clerk shall keep a fee docket containing an itemized statement of all costs taxed in such cause, the said costs collected, and within ninety days after any final judgment in any cause an entry showing substantially the return of the constable or sheriff of the execution or other process for the collection of said judgment or costs, and on the first days of January, April, July and October of each year, shall file with the auditor of Jefferson county a statement from said docket showing the amount of costs collected and in what causes together with the substance of the return of the constable or sheriff of the process for its collection.

Execution, is-
sue of.

Section 12. That it shall be the duty of the clerk of said court to issue an execution on all judgments rendered in said court, after five days from the entry thereof, and to place the same in the hands of the constables or sheriff, who shall return said execution within sixty days thereafter, said return to show that he has collected said judgment, and has paid the same or the amount collected, or that he is unable to find property of the person against whom said process issued, out of which said execution can be satisfied in whole or in part.

Court; when
held.

County to
pay expenses
of.

Section 13. That the judges of said court shall be empowered to select a suitable place for holding said court, and that the expenses of said court for the rent of the court room, fuel and stationery and lights not to exceed in all the sum of thirty dollars per month, which shall be allowed by the board of revenue of the said county, payable out of the county treasury.

Alias execu-
tion.

Section 14. That if it shall appear to the auditor that in any case in said court where an execution has been returned unsatisfied as to the costs of said cause, and in the opinion of the auditor said costs can be collected by an alias

execution, the auditor may direct the clerk of the court to issue such alias execution and may direct the constable or sheriff as to what property can be levied upon to satisfy said judgment.

Section 15. That in each case filed in said court, there shall be a fee of fifty cents taxed, ^{Fee taxed in each case.} which shall be taxed and collected as other costs are collected, and shall be with other costs paid into the county treasury.

Section 15 1-2 . That the probate judge of Jefferson county, Alabama, is hereby empowered ^{Judge pro tem.} to appoint a judge pro tem of said court whenever the clerk of said court shall certify to him that the judge is absent from said precinct, or for any other cause is unable to hold said court, and said judge pro tem, shall hold office during the absence or disability of said judge, and shall for the time, while he is acting as such judge pro tem, receive the same compensation as the regular judge of said court, and payable in the same manner.

Section 16. That all laws affecting or regulating the practice of courts of justice of the peace shall be applicable to the court hereby ^{Laws applicable.} established.

Section 17. That all laws and parts of laws, ^{Repeal.} general, local or special in conflict with the provisions of this act, be, and the same are hereby repealed, provided, that this act shall not go into effect until the general election in 1908. ^{Effect.} Provided that this act shall not go into effect unless at an election to be held in said precinct on the first Monday in October 1908, a majority ^{Election as to.} of the qualified electors voting at said election shall vote in favor of the establishment of said court in said precinct, which said election shall be held as other special elections are held in this State and provided that no official ballot shall be provided but that the managers of said election shall receive the ballots of the electors and ascertain the results regardless of the regularity of the ballots.

Approved August 9th, 1907.

To prohibit the selling, giving away or otherwise disposing of spirituous, vinous or malt liquors or other intoxicating liquors or beverages in any of the voting precincts of Crenshaw county, Alabama, and to make it unlawful for the probate judge of said county to issue licenses to any person, firm or corporation to sell, give away or otherwise dispose of spirituous, vinous or malt liquors or other intoxicating liquors or beverages in any precinct of said county until the proposition shall have first been submitted to the qualified voters of the precinct in which the aforesaid liquors are to be sold, given away, or otherwise disposed of, and to provide for an election therefor and the expense of holding an election and to punish the violations of the provisions of this act.

Sale, etc., prohibited if majority vote against sale.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, firm or corporation to sell, give away or otherwise dispose of spirituous, vinous or malt liquors or other intoxicating liquors or beverages in any of the precincts of Crenshaw county, Alabama, or for the probate judge of said county to issue licenses to any person, firm or corporation to sell, give away or otherwise dispose of spirituous, vinous or malt liquors or other intoxicating liquors or beverages in any precinct of said county unless the qualified voters of the precinct in which the same is to be sold, given away or otherwise disposed of, shall have first voted thereon and a majority of the qualified voters of such precinct voting in favor of the same.

Petition for election in precinct.

Section 2. That upon the filing of a petition with the probate judge of said county, signed by twenty householders and freeholders of the precinct in which it is proposed to sell, give away, or otherwise dispose of spirituous, vinous or malt liquors or other intoxicating liquors or beverages,

accompanied with forty dollars or as much thereof as may be necessary to defray the expenses of holding such election, the probate judge of said county shall call an election in such voting precinct to be held on the first Monday after the expiration of thirty days from the filing of such petition. Provided, that only one election shall be called in a voting precinct in a calendar year.

Section 3. That said election shall be held at the regular voting place or places in such voting precinct and shall be held and conducted and returns made under the general election law of the State, except as herein provided.

Election, how held.

Section 4. That upon the calling of such election the probate judge of said county shall appoint three managers, two clerks and one returning officer for each voting place in said voting precinct who shall be reputable men and qualified electors in the voting precinct in which such election is to be held, and they shall be allowed the same pay as is now allowed to managers, clerks and returning officers under the general election law, to be paid to them by the probate judge out of the money deposited with him for that purpose and the balance of said sum shall be used by him in the paying for the poll lists, tally sheets, and other blanks, and for his trouble in the premises.

Managers, etc., for election.

Section 5. That upon the calling of such election the probate judge shall have printed a sufficient number of poll lists, tally sheets, ballots and other blanks provided for the general election law, the ballots shall be printed with black ink on white paper and shall have printed on them the words "for liquor license," "against liquor license," and shall be so placed on the ballot that the voter may express his desire by making a x before "for liquor license" or "against liquor license" as he may desire to vote.

Poll lists, tally sheets, etc.,

Ballots, how printed.

Section 6. That the probate judge shall within five days after receiving the returns from such election open and count the returns, and if it shall appear from the returns that a majority of

Probate judge to count returns.

the qualified voters of the voting precinct in which such election was held voting in favor of spirituous, vinous or malt liquors or other intoxicating liquors or beverages being sold in said voting precinct then the probate judge shall issue license to any one applying for same who comes up to the qualifications in every respect as is now required by law, and if it shall appear from such election returns that a majority of the qualified electors of the voting precinct in which such election was held voted against the issue of liquor licenses, and then the probate judge shall not issue a license to any one to sell, give away, or otherwise dispose of intoxicating liquors in said voting precinct.

Section 7. That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five nor more than five hundred dollars, and may also be sentenced to hard labor for the county for not more than six months.

Section 8. That this act shall not be so construed as to repeal any act establishing a dispensary in said county nor repealing any act incorporating any church or school house in said county. Provided this act shall be null and void and of no force after the 26th day of February, 1909.

Section 9. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved August 14, 1907.

No. 712.)

AN ACT

(H. 1362.)

To establish a dispensary in and for the town of "Floralá" in the county of Covington, State of Alabama, and to provide for the conduct and regulation of the same.

Section 1. Be it enacted by the legislature of

Alabama, That there is hereby established with-
 in the corporate limits of the town of "Floral" Dispensary established.
 in the county of Covington, in this State, a dispensary for the said town of "Floral," to be conducted and carried on by said town in its corporate capacity for buying and selling spirituous, vinous and malt liquors subject to the conditions and restrictions in this act contained. The place at which said business is carried on shall be called a dispensary, and said place shall be within the corporate limits of said town. The intendent and aldermen of "Floral" for the purpose of inaugurating said business shall be authorized to invest therein a sum of money not exceeding two thousand dollars.

Section 2. Said business shall be conducted by the intendent and aldermen of Floral through How conducted.
 a dispenser and five commissioners, and such other officers and agents as may be appointed or selected by them or by the commissioners with their consent and approval for that purpose. The office of dispenser is hereby created and his term of office shall be one year from the date of his qualifications and until his successor is elected and qualified. The first five commissioners shall be W. F. Hughes, B. F. Luttrell, M. A. George, Jr., Commissioners; term of office.
 D. I. B. Atkinson, and J. F. Penton, their term of office shall be four years from the time they are qualified and until their successors are appointed and qualified. The dispenser shall be elected by Election of dispenser.
 the commissioners annually, and the commissioners shall be elected by the intendent and aldermen of Floral every four years. The first election of Election of commissioners.
 commissioners shall take place on the expiration of the term of office of the commissioners hereinabove mentioned and named. All other officers and agents shall be appointed by the commissioners with the approval and consent of the intendent and aldermen of Floral.

Section 3. Said dispenser, and all other officers, agents and persons employed in said dispensary, shall be over the age of twenty-one years Qualification of dispensers and employees.
 and shall be esteemed as honest, temperate, law-

abiding and competent to conduct the business for which they are employed.

Rules and regulations, etc.

Section 4. The dispenser under the direction and control of the dispensary commissioners shall manage and carry on said dispensary. Said board of dispensary commissioners shall adopt rules and regulations for the management of the business of said dispensary, including the purchase and sale and testing and analyzing of such liquors as may be sold thereat. Said commissioners shall provide blanks and require daily reports from the dispenser showing all moneys received by him, and monthly reports showing in detail all liquors received by him with an inventory of those on hand at the time of making such monthly reports. Said commissioners under the supervision and control of the intendent and aldermen of "Florala," shall purchase on the most economical terms for cash all liquors to be sold at said dispensary, and shall take all proper and necessary precautions to provide that none of them shall contain injurious, deleterious or poisonous substances, but shall be of good quality.

Blanks for reports.

Purchase of liquors.

Oath of dispenser.

Section 5. The dispenser before entering upon the duties of his office shall make affidavit before an officer authorized to administer oaths, that he will obey all the laws of the State of Alabama and the town of "Florala" relative to the sale, giving away or otherwise disposing of liquors of any kind. Said dispenser shall execute bond in the sum of two thousand dollars, payable to the town of "Florala," conditioned for the honest and faithful discharge of said duties as such dispenser. Such bond shall be approved by the dispensary commissioners, and the intendent and aldermen of said town. For neglect of duty, incompetency, misfeasance or malfeasance in office said dispenser may be removed from office by the commissioners of said dispensary. Whenever a vacancy occurs in the office of the dispenser the commissioners may forthwith elect a dispenser who shall hold office for the unexpired term of his predecessor and until his successor is elected and qual-

Bond.

Removal.

Vacancy.

ified, and shall be required to give bond conditioned as hereinabove provided for.

Section 6. The intendant and aldermen of "Floralá" shall pay to the dispenser a salary ^{Salary.} which shall not be less than six hundred dollars nor more than one thousand dollars per annum. Said salary shall be fixed by the commissioners of said dispensary and paid in equal monthly installments.

Section 7. The dispenser shall not sell or permit to be sold any spirituous, vinous, malt or intoxicating drinks or liquors of any kind that are ^{Liquors sold only in sealed packages.} not contained in sealed packages, nor shall the same be sold in quantities of more than one quart ^{Quantity sold.} nor less than one-half pint, and whenever an original package is broken it shall at once be bottled and sealed and sold in such bottled and sealed condition. The dispenser shall not permit any drinking in said dispensary.

Section 8. Said dispensary shall not be opened on any day before six o'clock a. m. and shall be closed each day not later than six o'clock in the afternoon, and shall remain closed on Sundays, election days and on the day before election day and on such other days as the intendant and aldermen of "Floralá" shall direct the same to remain closed. ^{Opening and closing of dispensary.}

Section 9. Any person who consumes any liquor in said dispensary shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars. ^{Unlawful to drink on premises.}

Section 10. The dispenser shall keep an accurate and correct set of books showing all transactions, and the said dispensary commissioners may at any time when they see proper make an investigation of the correctness of said books and report and check up the same. ^{Accounts kept.}

Section 11. The dispenser shall make daily deposits of the proceeds of each days sales of liquors with the treasurer of the town of "Floralá" and shall take receipts for such daily deposits bearing consecutive numbers and correct dates. ^{Daily reports.}

Treasurer of
Board; duties
etc.

Section 12. The treasurer of the town of "Florala" shall be ex-officio treasurer of the board of dispensary commissioners, and shall be liable as shall also his sureties on his official bond as treasurer of the said town of "Florala" for all funds coming into his hands under the provisions of this act. Said treasurer shall keep a separate and distinct account between himself as such and the dispenser and dispensary commissioners showing in detail all receipts and disbursements on account of said dispensary, and shall require and keep vouchers for all moneys paid out by him. He shall pay out no money except upon the order of said commissioners and in such form and executed in such manner as such commissioners may provide, and shall make such report to said commissioners as may be required by them.

Quorum; what
constitutes.

Section 13. Three members of said board of commissioners shall constitute a quorum, but no action shall be taken by said board without affirmative vote of at least three members present and voting in person. Said commissioners are hereby authorized to establish rules for their government and to regulate their deliberations as it may see fit from time to time subject always to the supervision and control of the intendant and aldermen of the town of "Florala."

Unlawful to
sell otherwise.

Section 14. No spirituous, vinous, or malt liquors or intoxicating beverages or drinks of any kind shall be sold within the corporate limits of the town of "Florala" except as herein provided, and any person who violates this section shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than one hundred dollars upon conviction for the first offense, and for each offense thereafter upon conviction shall be fined not less than one hundred nor more than five hundred dollars.

Laws and
ordinances
governing; au-
thority to
pass.

Section 15. The intendant and aldermen of the town of "Florala" shall have authority to pass all laws or ordinances for the government of said dispensary and not in conflict with the provisions of this act and the laws of the State of Alabama.

Section 16. The town of "Floral" before opening and operating said dispensary shall take out State and county licenses as required by the laws of this State of towns and cities with like population operating dispensaries. ^{Licenses.}

Section 17. All revenues accruing from the sale of spirituous, vinous and malt liquors, by said dispensary above the sum necessary for the establishment and management of the same, shall be paid into the treasury of said town of "Floral," and be appropriated by said town of "Floral" through its intendant and aldermen in the following manner and for the following purposes, to-wit: Seventy-five per cent. to go into the general fund of the town and to be used and expended for the purposes and objects designated by said intendant and aldermen of said town of "Floral," and twenty-five per cent. to go to the public schools of the county of Covington, State of Alabama. ^{Disposition of profits.}

Section 18. The dispensary commissioners shall be required to have published a semi-annual report of the financial condition of said dispensary showing the receipts and disbursements and the amount paid into the town treasury. ^{Semi-annual report.}

Section 19. This act shall not become operative, nor shall it affect the sale of liquors in said town of "Floral," until the first day of January, 1908. ^{Effect.}

Section 20. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. ^{Repeal.}

Approved August 14th, 1907.

No. 719.)

AN ACT,

(H. 593.

To confirm and ratify the lease of the north-east quarter of section sixteen of township five south of range two east, by the board of education of Baldwin county, Alabama.

Lease confirmed and ratified.

Section 1. Be it enacted by the legislature of Alabama, That the lease of the north east quarter of section sixteen of township five south of range two east, in Baldwin county, Alabama, by the board of education in and for said county, in said state, to J. H. Brown for the term of five years from date of lease, made September 20th, 1906, be and the same is hereby confirmed and ratified.

Approved August 14th, 1907.

No. 747.) AN ACT, (S. 620.

For the relief of J. C. Webb, Jr., and J. T. Ballow.

Relief of.

Section 1. Be it enacted by the legislature of Alabama that the judge of probate of Marengo county shall issue a warrant on the fine and forfeiture fund of said county in favor of J. C. Webb, Jr., and J. T. Ballow, in the sum of one hundred dollars (\$100.00), which said claim shall be registered as other claims against the fine and forfeiture fund of said county, and shall be receivable by the tax collector of said county in payment of taxes due Marengo county.

Approved August 13th, 1907.

No. 754.) AN ACT, (S. 629.

To amend an act entitled "An act to establish a board of revenue for Jefferson county and for the abolishment of the court of county commissioners of said county."

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section 11 of an act entitled, "An act to establish a board of revenue for Jefferson county; and for the abolishment of the

court of county commissioners of said county," be amended to read as follows: Section 11, Be it further enacted, that each member of the board of revenue shall receive a salary of \$1500 per annum to be paid in monthly installments of \$125, out of the county treasury on the certificate or warrant signed by the president of said board. All laws in conflict with this enactment are hereby repealed.

Salary of
members.

Repeal.

Approved August 13th, 1907.

No. 755.)

AN ACT,

(S. 619.

For the relief of J. T. Ballow.

Section 1. Be it enacted by the legislature of Alabama that the judge of probate of Marengo county shall issue a warrant on the fine and forfeiture fund of said county in favor of J. T. Ballow in the sum of fifty dollars (\$50.00), which said claim shall be registered as other claims against the fine and forfeiture fund of said county, and shall be receivable by the tax collector of said county in payment of taxes due Marengo county.

Relief of.

Approved August 13th, 1907.

No. 764.)

AN ACT,

(S.510.

To authorize and require the Governor to designate and appoint one of the judges of the city court of Birmingham as special judge of the criminal court of Jefferson county.

Section 1. Be it enacted by the legislature of Alabama that the judges of the criminal court of Jefferson county and the judges of the city court of Birmingham shall, from time to time, when requested by the judges of said the

Authority of
governor.

criminal court of Jefferson county, confer as to the business of said the criminal court of Jefferson county, and whenever, in the opinion of a majority of all the judges of said courts, the services of an additional judge are necessary to dispose of the business of said the criminal court of Jefferson county, said judges, or a majority of them, shall certify that fact to the governor, stating in such certificate the length of time the services of such additional judge are necessary and when such services should begin, and thereupon the governor shall designate one of the judges of the said city court of Birmingham to act as special judge of the criminal court of Jefferson county, for such time as shall have been so certified to him that the necessity therefor exists.

Powers, etc.,
of judge ap-
pointed.

Section 2. The judge of said city court of Birmingham when so designated and appointed, shall have and exercise for the period designated for such services all the jurisdiction, powers and authority now possessed and exercised by the judges of said the criminal court of Jefferson county, or either of them, or which may be hereafter conferred on them.

Minute entry
sufficient evi-
dence of ap-
pointment.

Section 3. That the entry on the minutes of said the criminal court of Jefferson county reciting the designation and appointment of said judge of the city court of Birmingham, by the governor shall be sufficient evidence of the appointment of said special judge, and thereafter he shall be designated in said minutes by name only as special judge, without reference to the manner of his appointment or the authority under which he was acting.

Time served.

Section 4. That such special judge so designated as aforesaid shall serve for the time named by the governor in making such designation, and at the expiration of such time the duties of such special judge in said the criminal court of Jefferson county shall cease, except as to bills of exceptions which he may sign as such special

judge within the time prescribed by law for signing bills of exceptions.

Section 5. The signature of said special judge need not be affixed to the minutes of said the criminal court of Jefferson county.

Signature need not be affixed to minutes.

Approved August 14th, 1907.

No. 769.)

AN ACT

(S. 557.

To create the office of official stenographer for Walker county, Alabama, to provide for his appointment, fix his compensation and define his duties, and provide for special stenographers in certain cases. Be it enacted by the legislature of Alabama, as follows:

Section 1. That the judge of the probate court, the judge of the law and equity court and the judge of the circuit court, respectively, of Walker county, Alabama, are hereby authorized to appoint an official stenographer for said county, and such appointment may be made by a majority of said judges.

Office created.

Section 2. That the first stenographer appointed under this act shall serve until the end of the year 1907, that each subsequent term shall be for one year, commencing on January 1, and ending on December 31 thereof. Such stenographer shall receive a salary of one hundred (100.00) dollars per month, payable by Walker county on the warrant of the probate judge drawn on the treasurer thereof.

Term of office.

Salary.

Section 3. It shall be the duty of said stenographer to attend all trials in the probate court, where the testimony is taken orally, all trials in the law and equity court, except in equity cases, and all the trials in the circuit court of said county, and report at length the testimony offered and rulings and charges of the court in each case, provided he is requested to do so by the trial judge, or either party to the cause.

Duty.

Copy of mat-
ter taken made
on order of
trial judge.

Section 4. That said stenographer shall within ten days, on being directed to do so by the trial judge (and it shall be the duty of such trial judge to make the request immediately on notice by either party that an appeal is to be taken) make an original and at least two carbon copies of the matter so taken on the trial as provided in the preceding section, and deliver or mail the original copy to the trial judge and a carbon copy to one of the attorneys for each of the parties.

Service in
event two
courts held at
same time.

Section 5. Should two or more of said courts be engaged at the same time in the trial of cases of the character to be reported by the stenographer, as provided in section 3 of this act, then such stenographer shall serve during such time as directed by the judge of probate of said county, whose duty it shall be to see to it that preference in such matters is given to the trial of important criminal cases.

Special ste-
nographer.

Section 6. That the judge of either of said courts shall, whenever a cause of the character to be reported by the stenographer as provided in section 3 is about to be called for trial, be authorized to appoint a special stenographer to report such case, if it is made known to such judge that the regular stenographer will, during such time, be engaged in one of the other courts, or necessarily be engaged in copying testimony already taken. Such special stenographer to receive such reasonable compensation as may be fixed by the trial judge, payable by Walker county on a warrant drawn by the trial judge on the treasurer thereof. That said special stenographer shall be under the same duties as the official stenographer for Walker county.

Oath re-
quired.

Section 7. That before the official, or any special stenographer provided for herein, shall enter upon the discharge of his duties he shall subscribe to an oath to support the constitution and laws of the State of Alabama, and faithfully discharge all the duties of such office.

Removal.

Section 8. That the official or any special stenographer may be removed from office by said

judges for good cause shown to the satisfaction of such judges, or a majority thereof.

Section 9. That all stationery to be used by said official or special stenographers, in their capacity as such, shall be paid for by Walker county, in the manner now provided for the payment for stationery used by the judge of probate thereof. Stationery, etc.
paid for by

Section 10. That the office of official stenographer and position of special stenographer above named, may be filled and held by any person over fifteen years of age that said judges or a majority thereof may deem competent. Who may
hold office.

Section 11. That all laws and parts of laws, either general, local or special, in conflict with the provisions of this act be and the same are hereby repealed. Repeal.

Approved Aug. 9, 1907.

No. 770.)

AN ACT,

(S. 632.

To provide for the construction, repairing, working, making, maintaining, and protection of the public roads of Geneva county, and to provide for the levying of the tax for the same, and for punishing road defaulters, and prescribing the duties of the commissioners court with reference to said work, and for the punishment of violations of orders made by the commissioner's court.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Geneva county, shall, at the first meeting, after the passage of this act, or as soon thereafter as practicable, levy a special road tax not less than one tenth of one per centum nor more than one fourth of one per cent of all the taxable property in said county for the purpose of constructing, repairing, working, making, and protecting and maintaining the public Special tax
to be levied.

roads of said county, and the fund arising from said special tax shall be applied exclusively to constructing, repairing, working, making, protecting and maintaining the public roads of said county.

Persons subject to road duty.

Commutation fee.

Section 2. That each male person who is over the age of eighteen years and under the age of forty-five years, shall be subject to road duty in said county and shall be compelled to work on the public road of said county for ten days in each year and ten hours each day provided, however, that any person who under this section is subject to road duty in said county, may be relieved, from working on said public roads by paying a tax of four dollars which shall form a part of the road fund of said county; provided, further, that any person who is subject to road duty in said county must elect and pay said road tax of four dollars by the first of March of each year, and if he fails to do so by that date, he shall be compelled to work on the public roads of said county as is hereafter provided, further, that this section shall not apply to any person living within the corporate limits of any city, town or village in said county. Provided that all male persons, within road age, as herein prescribed, and moving into said county, after the first day of March, in any year, shall be liable to road duty, for the remainder of the year, at the rate of ten days work for twelve months, and shall have the option of paying to the road foreman for his district, in discharge of such liability, at the rate of four dollars for ten days work.

Appointment of road foremen.

Section 3. That the court of county commissioners shall, at the first meeting after the passage of this act or as soon thereafter as is practicable, appoint four road foremen for said county, one from each commissioners district, said foreman's term of office shall begin from the date of their qualifi-

cation and continue for such time as said court may determine.

Section 4. That said road foreman, shall, before entering on the discharge of their duties ^{Bond.} qualify by giving bond in the sum of one thousand dollars, payable to the county of Geneva, conditioned for the faithful performance of their duties as such road foreman. Said bond to be approved by and recorded in the office of the judge of probate in said county.

Section 5. That said road foreman shall receive for their services, a salary not to exceed ^{Salary.} five hundred dollars, each, to be determined by the court of county commissioners and to be paid monthly by warrant drawn by the probate judge on the county treasurer and against the road fund of the county.

Section 6. That said foreman shall at all times be subject to the orders, direction and control of the court of county commissioners as to ^{Foremen under control of county commissioners.} the time and manner of constructing, maintaining and working or repairing said roads.

Section 7. That it shall be the duty of each road foreman to make quarterly reports under ^{Reports as to money collected.} oath to the court of county commissioners of any and all moneys received by him from persons liable to road duty in communication of labor, the name of the person from whom received and when paid, and shall pay over the same to the county treasurer, taking his receipt for the same, to be credited by him to the road fund of the county on a separate book kept for that purpose. Any foreman appropriating to his own use, or failing to turn over quarterly any ^{Penalty for misappropriation.} money paid to him in commutation of labor by a road hand as herein set forth, shall be guilty of embezzlement and on conviction may be punished as provided by section 666 of the criminal code of 1896.

Section 8. That it shall be the duty of the road foreman in their respective districts to ^{Foremen to warn hands.} warn all persons liable to road duty in person or by substitute by giving two days notice to such

persons or by written notice left at the place of their residence, stating to such persons on what road and at what point on the road they shall report for service, but no person shall be required to work more than five days in one month, and no man shall be required to go more than six miles from his residence in working the public road.

Certificate given person moving from one precinct to another.

Section 9. That when a person listed to a road foreman who has performed part of his road service, moves to another precinct, it shall be the duty of the foreman to furnish on demand a written certificate showing the time he has served during the current calendar year or that he has paid the amount required by this act in lieu of his services, which certificate shall be an exemption to such person to the extent of time worked from road service in any other precinct in the county to which he may move.

Penalty for failing to work after being warned.

Section 10. That the road foreman shall warn all persons as prescribed in section 8 of this act and any person so warned who fails or refuses to work on said public road as prescribed by this act without legal cause or good excuse shall be guilty of a misdemeanor and upon conviction must be fined not less than five nor more than twenty-five dollars, and it shall be the duty of said road foreman to proceed against any such road defaulter before any court having jurisdiction of such offense at once.

Fines paid into the road fund.

Section 11. That all fines collected under the provisions of section 10 shall go to the road fund of said county, provided, that any road foreman who fails or refuses to return such road defaulter shall himself be guilty of a misdemeanor and upon conviction must be fined not less than five nor more than twenty-five dollars.

Fines paid in lawful money.

Section 12. That all fines imposed upon defaulters or foremen shall be paid in lawful money of the United States, and when collected shall be paid by the officer collecting such amount to the county treasurer to be credited by him to the road fund, on a separate book as aforesaid, and

shall in no event be retained by or otherwise appropriated by any officer of said court so collecting said fine or fines.

Section 13. That the court of county commissioners of said county shall have the authority to purchase and maintain such teams, implements, machinery, tools and material as may be deemed necessary and proper for the use in working, widening, repairing, making, protecting, and maintaining the public roads of said county and shall be authorized to purchase rights of way for new roads or changes in roads, to contract for grading, filling or macadamizing of any part or parts of any public road or to employ persons to do such work under such agent as it may appoint and to pay the same out of the road fund not to exceed \$1.50 per day.

Purchase of
teams, tools,
etc., etc.

Section 15. That said commissioners court is authorized to let out by contract the construction, maintaining, or working of the public roads of said county in lieu of constructing, maintaining, making or working of said roads by the said foreman as provided in section 3 of this act, after giving notice of letting out said road contract by advertising in some newspaper published in said county or by posting written notices, one at the court house door, and one in each precinct of said county. In the event that the commissioners court of said county shall elect to proceed under this section, then it shall become their duty, at once, to make a thorough and complete canvass of each district, or to appoint some person to make said canvass and take down the names and ages of all male residents of each district over the age of eighteen years and under the age of forty-five years, entering the same in a book to be kept by the commissioners court for that purpose and placing opposite the name of the person so enrolled the name or location of the farm on which he resides or location of the house in which he dwells and the name of the public road nearest his dwelling place; providing further, that the person appointed to make said

Roads may be
let by contract.

canvass, if appointed by the commissioners court shall not receive as compensation a greater amount than one dollar and fifty cents for each day's service in making said canvass and said canvass not to exceed three days for each precinct.

Tax collector
to collect tax;
compensa-
tion.

Section 16. That the tax collector of said county shall after the court of county commissioners have assessed and levied said special road tax collect the same and his compensation therefor shall be the same as he now receives for collecting taxes under the general law.

Road fund;
disbursement
of.

Section 17. That the road fund provided for by this act shall be disbursed upon the order of the court of county commissioners as provided by this act.

Unlawful to
dig or ob-
struct road.

Section 18. That it shall be unlawful for any person not engaged in road work to plow or dig in, or across or into any public road, either by plowing in or across said ditches or by placing therein, stones, brush, logs, or other obstructions of any kind whatever. Any person who shall violate this section of this act shall be punished by a fine not less than five nor more than twenty-five dollars, the same to be paid in lawful money of the United States; same to be paid over to the treasurer as afore stated in this act.

Penalty.

Duty of fore-
men in event
commission-
ers don't pro-
ceed under
Section 15.

Section 19. That in the event that the court of county commissioners shall not elect to proceed under section 15 of this act, it shall be the duty of the foremen referred to in section 3 to immediately after the first day of January in each year to make a thorough and complete canvass of his district taking down the names and ages of all male residents of the district over eighteen years of age and under forty-five years of age entering the same in a book to be kept by them for that purpose, placing opposite the name so enrolled the name or location of the farm on which he resides, and the road nearest their residence, said book to be delivered to the county commissioners.

Section 21. The court of county commission-

ers of said county shall have prepared suitable books and blanks for use in carrying out the provisions of this act. Blanks, etc., furnished.

Section 22. The commissioners court of Genewa county shall have power at any time from the passage of this act. First, To prescribe the maximum draft that may be hauled over the roads or any specified portion thereof at any one time. Powers of commissioners court. Maximum draft; prohibit use of engines. Second, To prohibit the use of heavy road engines or other heavy machinery on the roads of the county or any specified portion thereof. Third, To require persons operating saw mills in the county when the logs or lumber or any portion thereof is hauled over the public roads of the country or any specified portion thereof, to first secure a license from the probate judge, and to prescribe a price to be paid for such license. License required. Fourth, To require persons hauling logs, lumber or other timber of whatsoever description over the public roads of the county or any specified part thereof to secure a license from the judge of probate; and to prescribe a price to be paid for such license on each wagon so engaged. All money collected under this and the preceding sections shall be part of the special road fund for the county and shall be disbursed as provided by section 20 of this act. Disposition of money collected. The probate judge is entitled to twenty-five cents for issuing each license, to be paid by the party applying for the same. Fee of probate judge.

Section 23. That any person who violates any order made by the commissioners court under the preceding section shall be guilty of a misdemeanor, and, on conviction, must be fined not less than ten nor more than one hundred dollars. Penalty for violating orders of commissioners court.

Section 24. That if the tax herein provided for in section 1 be not available on account of the levy of the special tax of the commission under section 215 of the Constitution, or if section 1 of this act should be for any reason held unconstitutional by the courts, then in either of said If tax levy not available.

Amount ap-
propriated
out of general
fund.

events, it shall be the duty of the county commissioners to appropriate from the general fund of the county an amount not exceeding one fourth of such fund nor less than one tenth, to be used exclusively for the purposes set forth under section one.

List of hands
furnished by
employers.

Section 25. It shall be the duty of every person who is a manager or foreman of any mill-plant, turpentine still, or any other vocation for people who are employed on demand of the foreman, to render in writing a list of all such employees liable to road duty, and a failure to comply with such demand, shall be a misdemeanor.

When act goes
into effect.

Section 26. This act shall not go into effect, unless and until the court of county commissioners of said county, at any regular or special term of said court, shall so provide by order spread on the minutes of said court.

Dog license
tax added.

Section 27. Should this act take effect under the provisions of the preceding section, the court of county commissioners of said county is hereby authorized to add to the road fund provided by this act the dog license tax arising in said county or any part thereof.

Repeal.

Section 28. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved August 9, 1907.

No. 774.)

AN ACT

(H. 1327.

To amend sections 1, 2, 3, of an act entitled an act to provide a new charter for the town of Cordova, Walker county, Alabama, approved December 13th, 1900. Be it enacted by the legislature of Alabama, That sections 1, 2, and 3, of an act entitled an act to provide a new charter for the town of Cordova, Walker county, Alabama, approved December 13th, 1900, be amended so as to read as follows:

Section 1. Be it enacted by the general assembly of Alabama, That the town of Cordova in the county of Walker, State of Alabama, be and the same is hereby incorporated, and that the limits of the town of Cordova, Walker county, Alabama, are as follows: S. E. 1-4 and E. 1-2 of S. W. 1-4, Sec. 5, and all that part of the S. W. 1-4 of Sec. 4, lying west of Cane creek, and the E. 1-2 and the E. 1-2 of W. 1-2 of Sec. 8, lying north of Frog Ague creek, and the W. 1-2 of Sec. 9 that lies north of Frog Ague creek and south of Cane creek; and all that part of the S. W. 1-4 of the S. E. 1-4 Sec. 4, and N. W. 1-4 of the N. E. 1-4 of Sec. 9 lying south of Cane creek and west of the Warrior river, all in Tp. 15, R. 6, west, Walker county, Alabama. The following described property belonging to the Indian Head mills of Alabama are expressly excepted from boundaries and of said corporation, to-wit: S. E. 1-4 of S. W. 1-4, Sec. 5; S. W. 1-4 of S. E. 1-4, Sec. 5; N. E. 1-4 of N. W. 1-4, Sec. 8; N. W. 1-4 of N. E. 1-4, Sec. 8 and nineteen acres on the easterly side of the St. Louis and San Francisco Railroad beginning at a stone at the intersection of the said railroad boundary line with the northerly line of S. E. 1-4 of the S. E. 1-4 of Sec. 5, thence easterly along the northerly line of S. E. 1-4 of the S. E. 1-4 of Sec. 5 about 45 rods and 13 links to a stone, thence southerly along the branch to a stone about 75 rods and 20 links at the intersection of the line running five feet southerly of lots staked out, thence westerly to a stone on the easterly boundary line of the St. Louis & San Francisco Railroad lands to place of beginning; also all that part of the N. E. 1-4 of N. E. 1-4, Sec. 8 that lies west of the transfer track. Also all that part of the S. E. 1-4 of S. E. 1-4 of Sec. 5 lying west of the right of way of the St. Louis & San Francisco Railroad and all that part of the W. 1-2 of the S. W. 1-4 of the N. E. 1-4 of Sec. 8 lying north of the right of way of the Southern Railway Co. All the above described property is in Tp. 15, R. 6 west. The property not belonging to the Indian Head

Corporate
limits of Cor-
dova.

mills of Alabama within the above described limits mentioned as expected from the boundaries of the incorporation, not excepted from the incorporation.

Approved Aug. 9, 1907.

No. 775.)

AN ACT

(H. 1000.)

To repeal an act entitled "An act to regulate the payment of claims against the fine and forfeiture fund of Morgan county, Alabama, approved February 15th, 1897.

Act repealed.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled an act to regulate the payment of claims against the fine and forfeiture fund of Morgan county, Alabama, approved February 15, 1897, be and the same is hereby repealed.

Approved August 9, 1907.

No. 785.)

AN ACT

(H. 1270.)

To require the tax assessor of Montgomery county to make annually, a lot book showing in abstract form all legal subdivisions which have been or which may be hereafter made of all property in Montgomery county, and the name of the person, firm or corporation to whom each lot or subdivision is assessed for the current year; and to provide compensation therefor.

Lot book
made by as-
sessor.

Section 1. Be it enacted by the legislature of Alabama, That the tax assessor of Montgomery county be and is hereby required to make annually a lot book, showing in abstract form, all legal subdivisions which have been or which may hereafter be made of all property in Montgomery

county, and the name of the person, firm or corporation to whom each lot or subdivision is assessed for the current year. Such book shall be completed by the first day of August of each year.

Section 2. Said book shall be a public record of Montgomery county, and shall remain in the custody of the tax assessor.

Book public

record.

Section 3. For the services required of the tax assessor of said county under this act, he shall receive the sum of five hundred dollars per annum, said amount to be paid out of the general fund of said county on the completion of said book.

Compensation of
assessor.

Approved August 9, 1907.

No. 788.)

AN ACT

(H. 1296.

To authorize and empower the court of county commissioners of Butler county to employ a janitor for Butler county, who shall be under the control and direction of the sheriff of Butler county, to prescribe his duties, and provide for the payment of such janitor.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Butler county be authorized and empowered to employ a janitor for Butler county, Alabama, who shall be under the control and direction of the sheriff of Butler county, and whose duties shall be to do, and perform any and all services which shall be required of him in and around the court house of Butler county by the officers of Butler county.

Employment
of janitor au-
thorized.

Section 2. That the court of county commissioners, shall fix the salary of the janitor and the same to be paid out of the county treasury of Butler county, on an order from the court of county commissioners.

County com-
missioners to
fix salary.

Approved August 9, 1907.

No. 789.)

AN ACT

(H. 1358)

To better provide for the payment of witnesses in criminal cases who are summoned and appear for the State in the several courts of Walker county. Be it enacted by the Legislature of Alabama:

Fees of witnesses.

Section 1. That from and after the first day of January, 1908, witnesses in criminal cases who are summoned and who appear for the State, in Walker county, Alabama, shall be paid the sum of seventy-five cents per day for each day they are in attendance at any of the several courts of said county and shall also be paid three cents per mile for the distance traveled in going to and returning from said court, such distance to be computed according to the shortest route most usually traveled in going to the place of holding court.

Additional amount paid into witness funds.

Section 2. That in addition to the money paid or to be paid into the witness fund as is now provided by law in said county, there shall also be paid one-fourth of all money realized from the hire of county convicts and one-fourth of all money collected as fines and forfeitures in Walker county, which money shall be paid to witnesses in criminal cases in the same manner as the other money in said witness fund is paid out.

Approved August 9th, 1907.

No. 790.)

AN ACT

(H. 929.)

To alter or re-arrange the boundary lines of the city of Birmingham, Alabama.

Boundary lines of Birmingham.

Section 1. Be it enacted by the Legislature of Alabama, That the boundary lines of the city of Birmingham, Alabama, be altered and rearranged so as to include the following described territory towit: Beginning at the southwest corner

of section 6, township 18, range 2 west, which is a point on the present southern boundary line of the city of Birmingham; thence northeastwardly along the said boundary line of the said city of Birmingham to the northeast boundary of the right of way of the Birmingham Mineral Railroad; thence easterly along the northern boundary of the said right of way of the Birmingham Mineral Railroad to the western boundary of section 34, township 17, range 2 west, thence north to the northwest corner of said section 34; thence northeastward in a straight line through a point on the east and west center line of section 12, township 17 south, range 2 west, 1980 feet west of the center of said section 12 to and intersection with the northeastern boundary line of the town of East Lake if extended southeastward; thence northwestward along the northeastern boundary line of the town of East Lake, extended, and the northeastern boundary line of said town of East Lake to the northwest corner of the boundary line of the said town of East Lake; thence in a straight line to a point where the north and south center line of section 17, township 17 south, range 2 west, crosses the north boundary line of the right of way of the Birmingham Mineral Railroad Company. Thence westward along the north boundary of said right of way of the said Birmingham Mineral Railroad Company to the western boundary of the northeast quarter of the southwest quarter of section 18, township 17 south, range 2 west. Thence north to the northwest corner of the northeast quarter of the southwest quarter of said section 18, township 17 south, range 2 west; thence west to the southwest corner of the southeast quarter of the northwest quarter of section 13, township 17 south, range 3 west; thence north to the northwest corner of the southeast quarter of the northwest quarter of said section 13, township 17 south, range 3 west; thence west to the southeast corner of the north-

east quarter of the northeast quarter of section 15, township 17 south, range 3 west; thence south along the east line of said section 15, township 17 south, range 3 west, to the boundary line of the town of North Birmingham; thence southward and westward along the western boundary line of said North Birmingham broken to the center of Village Creek; thence westward along the center of Village Creek to a point where the eastern boundary line of Pratt City, if extended, would intersect the same; thence north along the eastern boundary line of said Pratt City to the northern boundary of the right of way of the Birmingham Mineral Railroad Company; thence eastward along said north boundary line of the Birmingham Mineral Railroad Company to the north and south center line of the northeast quarter of section 29, township 17 south, range 3 west; thence north to the southwest corner of the southeast quarter of the northeast quarter of section 20, township 17 south, range 3 west; thence west to the center of the eastern boundary line of section 24, township 17 south, range 4 west; thence southward along the eastern boundary line of said section 24 to the north line of the right of way of the Kansas City Memphis and Birmingham Railroad; thence southeastward along the north and east line of said right of way to the western boundary line of Pratt City; thence southward along the western boundary line of said Pratt City to the south line of Avenue "E;" thence westward along the south line of said Avenue "E" to the eastern boundary line of Ensley; thence southward along the eastern boundary line of said Ensley and westward along the southern line of said Ensley to where the same intersects the western boundary line of the southeast quarter of the southwest quarter of section 6, township 18 south, range 3 west; thence to the southwest corner of the southeast quarter of the southwest quarter of said section 6, township 18 south, range 3 west; thence west to the northwest corner of the northeast quarter of section 12,

township 18 south, range 4 west; thence south to the center of the south line of said section 12, township 18 south, range 4 west; thence east along the south boundary line of section 12, township 18 south range 4 west, and the south boundary line of sections 7, 8, 9, 10 and 11, township 18 south, range 3 west, to an intersection with the north boundary of the right of way of the Birmingham Mineral Railroad Company; thence eastward along the north line of the said right of way to an intersection with the south boundary line of section 1, township 18 south, range 3 west: thence east along the south line of said section 1, township 18 south, range 3 west, to the point of beginning.

Section 2. That the provisions of this act shall not go into effect until the first day of October, 1909, except as to those provisions for the holding of the election and declaration of the result herein provided for. When provisions of act go into effect.

Section 3. That an election shall be called by the mayor of the city of Birmingham within not less than three months nor more than five months from the date of the passage and approval of this act, throughout the entire territory described in the first section of this act, to determine whether or not the same shall go into effect. At such election all the qualified electors, residing within the territory described in section 1 hereof, shall be entitled to vote. There shall be an official ballot furnished by the city of Birmingham, upon which shall be printed the words, "For Greater Birmingham," and also the words, "Against Greater Birmingham." Those favoring the incorporation of the territory mentioned in section 1, into the city of Birmingham, shall manifest the same by making a cross mark, thus: X, either before or after the words, "For Greater Birmingham;" those opposed shall manifest the same by making a cross mark, thus: X, either before or after the words, "Against Greater Birmingham." If at such election a majority of all the legal voters participating therein shall vote in fa- Election as to extension.

vor of Greater Birmingham, then this act shall become in full force and effect on the first day of October, 1909; but if a majority of the qualified voters participating in such election shall vote against Greater Birmingham, then this act shall be null and void. This election shall be held under the provisions of the general laws of this State, as far as the same may be applicable and except as herein modified. Election booths and polling places shall be provided at each polling place in the present limits of the city of Birmingham, and at each of the towns included within the territory described in section 1 of this act, and where there is no regular polling place in either of said towns or wards the same shall be designated by the mayor of the city of Birmingham. In the unincorporated portions of the territory described in section 1 of this act, polling places shall be established when deemed necessary for the convenience of the electors residing therein, at such places as may be designated by the mayor of the city of Birmingham; if no polling place is designated in such unincorporated territory or any part thereof, then the qualified electors therein shall vote at the regular voting place at which they are accustomed to vote in general elections. In the discretion of the mayor of the city of Birmingham additional polling places to those provided in general elections may be established. There shall be three managers, two clerks, and one returning officer of said election at each polling place to be appointed by the mayor of Birmingham, at least one manager at each polling place and one clerk at each polling place shall be appointed from a list of those favoring Greater Birmingham, to be furnished by the advocates of the measure, and at least one manager and one clerk opposed to Greater Birmingham shall be appointed from a list furnished by the opponents of the movement, provided such lists are so furnished; if no lists are furnished by either the advocates or opponents of the measure, then it shall

be the duty of the mayor of Birmingham to see, as far as practicable, that those favoring and those opposing the movement shall have representation at each polling place. In addition thereto, the advocates of the measure having the matter in charge, shall have the right to designate, at each polling place on the day of election, a watcher, who may also act as challenger, and the opponents of the measure shall have the same right. Within 48 hours from the time of holding such election it shall be the duty of the returning officer at each polling place to bring the returns to the mayor of Birmingham at the city hall, and within five days from the holding of the election it shall be the duty of the mayor and aldermen of Birmingham to consolidate the returns and canvass the vote, and declare the result, acting in that respect as a canvassing board under the general laws of the State. The Mayor of Birmingham shall give notice of the day of holding such election, and of the places of voting, in case he should in his discretion appoint any voting places in said territory in addition to the regular voting places, by publication in some newspaper published in the city of Birmingham at least once a week for four consecutive weeks before the day of holding such election. Notice shall also be given by the mayor of Birmingham of the result of said election within thirty days after the vote shall have been canvassed as herein provided, by publication at least twice in some newspaper published in the city of Birmingham. The managers, clerks and returning officers of said election shall be entitled to the same compensation as managers, clerks and returning officers in general elections, and such compensation shall be paid by the city of Birmingham as other bills of such city are paid. All vacancies caused by failure or refusal of managers, clerks and returning officers to serve, shall be filled in the same manner as such vacancies are filled under the general election laws of the State.

Approved August 8, 1907.

No. 793.)

AN ACT

(H. 1288.)

To authorize the court of county commissioners, board of revenue or other courts of like jurisdiction of Walker county, to contract for supplying the court rooms and the offices of the county officers with water, gas, electric lights, heat, telephones and such other conveniences as such court may deem necessary or advisable, and to keep the said rooms and offices in good condition and order, and to provide for the payment of same.

Supply rooms
of county of-
ficers with
gas, etc.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners, board of revenue, or other courts of like jurisdiction of Walker county are hereby authorized to contract for supplying water, electric lights gas, heat, telephones and such other conveniences as such court may deem necessary or advisable, for the court rooms and the offices of the county officers, and to keep the said rooms and offices in good condition and order. And the treasurer of Walker county is hereby authorized to pay all warrants drawn against the general fund upon such contracts.

Approved August 9, 1907.

No. 803.)

AN ACT

(H. 1372.)

To fix the time when the tax collector and tax assessor of Walker county shall begin the round and to visit the several precincts of said county for the purpose of assessing and collecting taxes. Be it enacted by the Legislature of Alabama,

Time for be-
ginning
rounds.

Section 1. That the tax collector and tax assessor of Walker county shall begin the round and begin visiting the several precincts of Walker county on the first Monday in November of

each year for the purpose of collecting and assessing the taxes in said county, of which notice shall be given as required by law.

Section 2. That the tax collector and tax assessor of said county of Walker are not required to visit the precincts of said county of Walker for the purpose of collecting and assessing taxes more than once in each year. ^{Visit precincts once a year.}

Approved August 7, 1907.

No. 804.)

AN ACT

(S. 542.)

To provide for the construction, repairing, working and maintenance of the public roads and bridges of Madison county. Be it enacted by the Legislature of Alabama.

Section 1. The probate judge of Madison county shall as soon as practicable after the approval of this act, and every two years thereafter, except as hereinafter provided, appoint a supervisor of public roads for said county, whose term of office shall be two years; provided, however, that the supervisor first appointed after the approval of this act, shall hold office until the first day of October, 1909, at which time his successor shall be appointed for a term of two years, and every two years thereafter a supervisor shall be appointed. Such supervisor shall be a competent graduate civil engineer with experience in road building and shall be subject to removal by said judge for drunkenness, incompetency, neglect of duty, or for any cause to be determined by said judge. Such supervisor may make the bond required of him in section 2 of this act, in a solvent guarantee company to be approved by such judge. ^{Appointment of supervisor.}

Section 2. That such supervisor shall before entering upon the duties of his office, qualify by taking and filing the statutory oath of office and giving bond conditioned for the faithful performance of the duties of such office, payable to ^{Term of office.} ^{Bond and oath.}

Madison county, in such sum as may be prescribed by said court, not less than one thousand dollars, with sureties thereon to be approved by the probate judge of said county, which oath and bond shall be recorded as other official bonds required to be recorded, in the office of the judge of probate.

Salary.

Section 3. That the supervisor of public roads shall receive a salary for each year's service of not less than eighteen hundred dollars nor more than twenty-four hundred dollars, to be determined within said limit by the commissioners' court and to be paid to him in monthly installments, at the end of each month, by warrant to be drawn by the judge of probate on the road fund of the county.

Supervision
of roads, etc.

Section 4. That said supervisor shall have control and supervision of all the public roads of said county as to the manner of working, repairing and maintaining the same as to changes of old roads and establishing of new roads when ordered established by the commissioners' court, and of the execution of any contract that may be made for the working and repairing roads, or of repairing and building bridges, culverts, or causeways; provided, that at all times the said supervisor shall be under the direction and control of the commissioners court of said county.

Appoint-
ment of enu-
merators.

Section 5. That the supervisor shall have authority, and it shall be his duty immediately after entering on the duties of his office, to appoint a competent person in each precinct of the county as enumerator of road hands for such precinct, for a term of two years, which said enumerator shall make oath in writing that he will faithfully discharge the duties of said office, which said oath may be administered by said supervisor, and when so taken shall be filed in the office of the judge of probate of said county, and there preserved for public examination.

Oath.

Roads divided
into sec-
tions.

Section 6. That as soon as the enumerator and list of road hands hereinafter provided for shall have been made and filed in the office of the judge

of probate, it shall be the duty of such enumerator by and with the advice and under the supervision, of the supervisor, to divide the public roads of each precinct into sections of such length as he may determine numbering consecutively the said sections and he shall then appoint such overseers as he may deem necessary, for a term of two years, for the efficient and proper working and maintenance of the roads in such precinct, and assign such section or sections to each overseer as he may determine, and to each overseer he shall apportion such road hands for each section as to the amount and character of work to be done on such section as may, in his judgment, be necessary, and he shall deliver a list of such road hands to such overseer and keep a duplicate list for filing in the office of said supervisor and to there be for ready reference.

Section 7. That it shall be the duty of said supervisor to cause each overseer to take and subscribe in writing an oath that he will faithfully perform the duties of overseer, which oath may be administered by said supervisor or enumerator and shall be filed in the office of the judge of probate. To each overseer so appointed the said supervisor shall deliver a commission setting forth the section or sections over which he has been appointed, together with the grade of the road or roads of each section; provided, that when a vacancy occurs in the office of the overseer, from whatever cause the same shall be filled by said supervisor, and provided further, that said enumerator, by and with the advice and consent of the supervisor, may at any time remove an overseer for neglect, failure or refusal to perform his duties or for drunkenness while discharging the duties of his office.

Section 8. That said supervisor shall personally inspect all the public roads in the county at least once each year, and in making such inspection when practicable shall be accompanied by the overseer of the section, and he shall make such suggestions and give such directions as to chang-

Oath of overseers.

Commission.

Vacancy.

Supervisor to inspect roads, etc.

ing road beds, establishing, repairing, improving and working the public roads and in building, repairing and maintaining bridges and culverts as he may deem proper. He shall make full reports of the condition of the public roads, and the manner in which any contracts have been or are being executed to the court of county commissioners at the February, May, August and November terms of said court in each year, and such special reports as said court may call for at other times.

Enrollment of
hands by
enumerator.

Section 9. That the enumerator hereinbefore provided for shall immediately after the first day of January of each year make a thorough and complete canvass of his precinct, taking down the names and ages of all male inhabitants of the precinct over twenty one and under forty-five years of age residing in said precinct and entering opposite each name so enrolled the name or location of the farm on which he resides, or the location of the house in which he dwells and the name of the public road nearest to his dwelling place. The said enrollment book shall be written in a plain, legible manner, with ink, and upon the completion of the enrollment be at once filed in the office of the probate judge, or delivered to the supervisor.

Power to ad-
minister
oaths.

Section 10. That said enumerator shall have authority to administer oaths and in making his enrollment of road hands, or at any time when it may be necessary to list persons for road service, if the person proposed to be listed shall claim to be over forty-five or under twenty-one years of age, the said enumerator may take the affidavit of such person or any person so proposed to be listed, which affidavit shall be in writing and subscribed by the affiant, and the same shall be preserved and filed by such enumerator in the office of the probate judge, except in cases where he has cause to believe that perjury has been committed when he shall return such affidavit to the next grand jury; Provided, That in listing persons for road duty no person who shall have a certificate of exemption from the county medical

board, shall be listed for the road service then ordered unless such disability be permanent and so stated in the certificate.

Section 11. That the enumerator herein provided for shall be exempt from further road service during the years he so serves, and shall receive the sum of ten dollars per year during the time he serves. ^{Exempt from road service.} Provided, That such enumerator shall hold office at the will of the supervisor, and may be removed by him at any time for neglect of or failure to perform his duties, or for partiality or favoritism shown therein, and upon removal shall be subject to enrollment as a road hand. ^{Salary.} ^{Removal.}

Section 12. That on the appointment of overseers the enumerator is not restricted to persons who are subject to road duty under this act, and it shall be the duty of each overseer to make quarterly reports to the supervisor of any and all moneys received by him from hands in commutation of labor, the name of the person from whom received and when and for what paid, and shall pay over the same to the supervisor, taking his receipt therefor, and said supervisor shall pay the same to the county treasurer to be credited by him on the books of the road fund of the county; and it shall be the duty of the commissioners court as far as practicable to appropriate an amount at least equal to such funds for the working or maintenance of the respective roads to which the hands paying the same were apportioned. Any overseer appropriating for his own use any money paid to him in commutation of labor shall be guilty of embezzlement and shall be liable to criminal prosecution therefor as provided by law in such cases. ^{Reports of overseers.}

Section 13. That all persons subject to road duty under the general laws of the state shall be required to work upon the public dirt roads of said county for not less than six days in each year, or instead thereof, shall pay the sum of three dollars annually or may pay a part in mon- ^{Persons subject to road duty.}

Calling out
hands.

ey and a part in labor at fifty cents per day, to be collected as hereinafter provided.

Section 14. That whenever an overseer shall determine that a dirt road needs repairing or working, or when the supervisor shall so direct, he shall call out such hands as have been listed to him as he may deem sufficient in number to work or repair said road but may take instead thereof fifty cents per day for each days work for which each hand is called at the option of the hand and if any hand shall fail or refuse to work or pay fifty cents for each day he shall fail or refuse to work it shall be the duty of the overseer, after five days from the warnings to work was given, to return each and every hand so failing or refusing, to a justice of the peace of the county, and such road hand shall be proceeded against as a road defaulter under the general road laws of the State; Provided, that the overseer may excuse defaulters on showing good excuse on oath, which may be administered by the overseer, within five days after default. Any person making a false affidavit to the overseer to get excused shall be guilty of perjury.

What constitutes days
work.

Time farm
hands, etc.,
need not work.

Section 15. That a days work for road hands under this act shall be ten hours of actual service and the warning of hands shall be made in accordance with the general laws of the State, but no farm hand or person engaged in farming shall be worked except between January first and March first, and July fifteenth and September first, except in opening new roads as now provided by law or, for the removal of an obstruction or other casualty or great need that prevents travel. No hand shall be required to go more than six miles from his residence in working the public roads.

Certificate
given hand re-
moving from
one precinct to
another.

Section 16. That when a road hand listed to an overseer, who has performed part of his road service, removes from a precinct, it shall be the duty of the overseer to furnish him on demand a written certificate showing the time he has served during the calendar year, which certificate shall be

an exemption to such hand to the extent of the time worked from road service in any other precinct in the county to which he may remove.

Section 17. The supervisor shall let all repairing, keeping in order, building or constructing of all macadamized and graveled roads, and public bridges, except emergency repairs of less than twenty five dollars in value, at public outcry to the lowest responsible bidder upon such notice and at such place within the county as the commissioner's court may prescribe. All work shall be done in accordance with full and accurate specifications to be furnished by the supervisor. Each contractor shall give bond to be approved by the judge of probate, for the faithful performance of his contract equal to the amount he is to receive for the work undertaken by him. When such work is finished it shall be examined by the supervisor and if approved by him he shall give to the contractor an order on the commissioners court for the amount of his contract which shall be paid by warrant drawn by the probate judge on the road fund of the county. The supervisor shall have the right, if he thinks the bids for work on such roads too high, to reject any and all bids made. In this event he shall re-advertise for bids for such work, and if in his judgment all bids are still too high, he shall have the right to reject them, and the commissioner's court shall then order such work to be done by said supervisor. A careful account of the cost of such work so done by the supervisor shall be kept and filed with the probate judge and shall be open to the inspection of the public.

Repairing,
etc., of roads
let at public
outcry.

Section 18. Whenever a new pike or gravel road is built a dirt road of equal dimensions and flush therewith shall also be constructed if possible.

Section 19. Persons hauling logs, lumber or timber over the roads of the county to sell, or for another, for hire, and not for their own use, or the improvement of their farms, and persons regularly engaged in the business of hauling over the

Licenses re-
quired of per-
sons hauling
logs, etc.

roads of the county or whose principal business is hauling over the roads of the county, shall pay a license of two and one-half dollars per month for each two horse wagon and five dollars per month for each four horse wagon so used in such hauling. It is not intended hereby to require a license for private hauling connected with or usual to the ordinary operation of a farm. Such license to be issued by the judge of probate, the proceeds thereof to be paid into the road fund of the county. For issuing each license the judge shall be entitled to a fee of twenty-five cents to be paid by the party procuring the license. It shall be unlawful to do the hauling herein forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars, to be paid in lawful money, which fine when collected shall be paid over to the road supervisor as part of the road fund.

Penalty for violation.

Section 20. That the overseer of the roads appointed under this act shall be exempt from road duty, immediately after he shall serve as overseer for the same time that he may serve as such overseer.

Overseer exempt from road duty.

Section 21. That all male inhabitants of the county between the ages of twenty-one and sixty-five years are subject to road duty under this act as enumerators or overseers.

Persons subject to duty as overseers and enumerators.

Section 22. That whenever it can be done, it is the duty of the supervisor to have the roads worked by the overseers at such time as the implements bought and furnished by the county may be used first by one overseer and then by another, so that such implements may be used by all the overseers as much as possible.

As to use of implements.

Section 23. That any overseer or enumerator who fails to perform his duty as such under the provisions of this act shall be liable to prosecution, and fined on conviction not less than ten dollars nor more than fifty dollars.

Penalty for failure of overseer or enumerator to discharge duty.

Section 24. That the supervisor of roads shall be under the control and direction of the commissioner's court of the county who shall require him to devote his entire time to the public roads and bridges of the county, and he shall be furnished with all necessary stationery and blanks for the use of his office, and that he shall keep such books and accounts, lists of overseers, enumerators and road hands as to show all transactions pertaining to the establishing, working, repairing and maintenance of the public roads and bridges and shall be provided with a desk in the court house in which to keep his books and other papers pertaining to his office.

Supervisor under control and direction of commissioners.

Stationery, etc., furnished.

Section 25. It shall be the duty of every person, firm or corporation employing hands, to furnish the supervisor, upon his application, a list of hands in their employ between the ages of twenty-one and forty-five, and failing so to do, such person, firm, or corporation shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars.

List of hands furnished by employees.

Penalty for failure.

Section 26. That it shall be the duty of the court of county commissioners of Madison county to have this act printed for the use of said court and other courts of the county and for the officers herein named.

Act printed.

Section 27. That the court of county commissioners shall have full power and authority to make and establish such rules and regulations not in conflict with this act, as it may deem necessary for the proper establishing, working, maintaining and repairing the public roads, bridges, and culverts of said county and for requiring all persons charged with any duty, power or liability under this act, a rigid performance thereof. Justices of the peace shall have jurisdiction of the offenses herein created for violations of the provisions of this act, except felonies.

Rules and regulations, authority of commissioners to make.

Jurisdiction of justices of peace.

Section 28. The present macadamized and graveled roads of the county shall be first put in condition, that they may be saved and kept before any new ones are built.

Roads first put in order.

Effect.
Repeal.

Section 29. This act shall take effect October 1, 1907, and all laws and parts of laws in conflict with any of its provisions are repealed.

Approved August 9, 1907.

No. 805.)

AN ACT

(S. 633.

To regulate the taxing of dogs in Madison county, Alabama, and for the protection of sheep, cattle, horses, swine and other live stock in said county; to provide penalties for its violation; to repeal all laws in conflict. Be it enacted by the Legislature of Alabama.

Tax assessor
to ascertain
number of
days.

Section 1. That the tax assessor of Madison county shall be required at the time of assessing the property of each property holder of his county as now required by law, to make diligent inquiry as to the number of dogs owned, harbored or kept by the person so assessed. And such person as assessed shall pay to the tax collector of Madison county at the time of the payment of other taxes the sum of one dollar for each male dog or spayed female dog, and the sum of two and one-half dollars for each female dog, (unspayed) so owned, harbored or kept.

Tax on dogs.

Receipt given
for tax.

Section 2. The county tax collector shall give to each person a receipt for such money paid him, which shall be designated as dog tax, which receipt shall show the person's name who owns, harbors or keeps the dog, the amount paid, and the number, description and kind of dogs paid for, and whether male or female, spayed or unspayed, and the number of each, which receipt shall relieve the person or persons owning, keeping or harboring such dogs for the current year. Such collector shall keep a record of the person or persons owning dogs and a record of the dogs paid for. And he shall keep a stub record or copy of the receipts given by him for money paid him as dog tax; such stub record shall show the

Record kept.
by collector.

amount paid him, the number of dogs, both male and female, spayed or unspayed, paid for, and the persons name, owning the dogs so paid for. And he shall each year turn over to the county treasurer of Madison county all money received by him as dog tax. Disposition of moneys received.

Section 3. He shall report the amount collected by him as dog tax and turned over to the county treasurer, to the probate judge of Madison county within three days after making his report to the county treasurer. The probate judge shall make a record of the same, and charge the amount against the county treasurer as receipts from the dog fund. Report to probate judge.

Section 4. That any person who shall keep or harbor any dog, and shall not have paid the county tax collector the tax as above specified on or before January 1st of each year and received his receipt for such payment, shall upon complaint of any resident of the county be subject to a fine of not less than five nor more than twenty dollars. Penalty for failure to pay tax.

Section 5. That it shall be the duty of the tax collector to keep a record of all dogs that shall not be paid for, by whom owned, harbored or kept, and the number of such dogs and the kind, whether male or female, spayed or unspayed, and he shall report the same to the probate judge, at the time of making his other report, as above provided whose duty it shall be to report the same to the prosecuting attorney of his county, or circuit, or his deputy who shall bring an action before any court of his county having jurisdiction of misdemeanors, against such persons, and upon conviction thereof such prosecuting attorney shall receive the sum of seven and fifty one hundredth dollars (\$7.50) for each case so prosecuted, and such fee shall be charged as part of the fine and costs against such person so prosecuted. Provided, that if any person shall acquire, own, harbor, or keep any dog after the assessor shall have completed his assessment, he shall report such dog to and pay to the tax collector the amount of dog tax as above provided, and receive Record of dogs kept by collector on which no tax paid.

Duty of probate judge.

his receipt for the same, which receipt shall exempt him from further payment of dog tax on dogs described in said receipt, until the time of the next collection of taxes in his county.

Penalty for failure to discharge duty.

Section 6. That if the tax assessor, tax collector, or probate judge shall fail to perform the duties as above provided, they shall be liable to a fine of not less than ten nor more than twenty dollars.

Oath required of tax payers.

Section 7. That every person liable to taxation in Madison county, Alabama, and residing therein, when listed for taxation shall make and subscribe to an oath to the tax assessor, in which he shall state the number of dogs, spayed or unspayed, over the age of six months owned, kept, or harbored by such person, and any person who shall make a false statement to the assessor, collector or probate judge as to the number, kind and sex of such dog so owned, kept or harbored by him, shall be fined in any amount not exceeding one hundred dollars.

Penalty for keeping sheep, etc., killing dog.

Section 8. Any person who shall own, keep or harbor any dog, after he knows that such dog has killed or maimed, chased or worried any sheep, cattle, horses, swine, or other live stock, shall be fined in any sum not less than ten nor more than fifty dollars; provided, this section shall not apply to any dog that has killed or maimed, chased or worried any animal mentioned in this act, when upon the premises or lands in possession of the owner or keeper of said dog.

Penalty for keeping dog on which no tax paid

Section 9. That it shall be a misdemeanor for any person who does not hold the tax collector's receipt, showing that the required tax has been paid for the same, as provided in this act, to keep, harbor, board or feed, or permit any dog to stay about his, her or their premises, and upon complaint they shall be liable to a fine not exceeding ten dollars.

Penalty for allowing female dog to run at large.

Section 10. That any person owning or harboring any female dog, who shall allow such female dog to run at large, during any period of

rutting, or when in heat, shall be fined not less than five nor more than twenty dollars.

Section 11. That all money derived from the taxing of dogs by the tax collector, as provided by this act, shall constitute a fund known as the dog tax fund, which shall be used for the payment of damages sustained by the owners of sheep, cattle, horses, swine and other live stock killed, maimed or damaged by dogs within any county of the State of Alabama. Each probate judge shall collect all fines belonging to his county from the different courts where such fines have been assessed and paid. Provided, that no damage shall be assessed or paid except where individual damage exists or is shown. Money collected; how used.

Section 12. The owners of sheep, cattle, horses swine and other live stock killed, maimed or damaged by dogs, shall within ten days from the time thereof, report to the probate judge, under oath in which he shall state the number and age as he believes, and the value of such stock so killed or damaged, and the damages sustained on account of such stock killed or maimed, in which affidavit he must be joined by two disinterested and reputable free holders and house holders, and any person or persons who shall make any false statement of such damages shall upon conviction be fined in any sum, not exceeding one hundred dollars to which may be added imprisonment in the county jail for any term not exceeding thirty days, Provided, however, that no appraisement shall exceed the cash value for which such live stock would have sold if placed on the market at the time such damage was sustained. Provided, further, that if any probate judge deems the appraisement of such live stock so killed or maimed to be excessive, he shall tender to the owner or owners, or credit upon his books such amount as in his judgment is equal to the injuries sustained, and if in any action at law by the owners thereof for the recovery of such damages said owner shall fail to recover a judgment, exclusive of costs, for an amount greater than the amount so tendered the defendant shall recover costs of such suit. Owner of animals damaged to report to probate judge.
Penalty for false statement.

Probate judge
to register and
pay losses.

Section 13. The probate judge shall register and pay all losses in the order in which they are reported. Provided, that no person shall receive pay for sheep, horses, cattle, swine, or other live stock killed or maimed by any dog or dogs owned or harbored by himself. Provided, further, that any surplus left of the county dog fund after provisions have been made for the payment for all the live stock killed or maimed in such county, such surplus shall be distributed for the schools of the county in the same manner the public school revenue of such county is distributed.

Compensa-
tion of assess-
or and col-
lector.

Section 14. The assessor and collector shall receive the same compensation for assessing and collecting the dog tax as they receive for assessing and collecting state and county taxes.

Dog on which
tax paid re-
garded as
property, etc.

Section 15. Any dog returned for taxation and the tax on which is paid when due shall be regarded as property, and shall be entitled to the same protection as live stock, the owner of any dog listed for taxation which may be injured or killed contrary to law or carried or enticed away from the premises of the owner or harbored for the purpose of killing or injuring such animal or depriving the owner thereof may recover exemplary damages of the person for so killing, injuring or enticing away such dog. Any person violating the provisions of this section shall be liable to prosecution as in case of injuring live stock or other personal property of another.

Penalty.

Repeal.

Section 16. That all laws or parts of laws in conflict herewith, are hereby repealed.

Approved August 9, 1907.

STATE OFFICERS.

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Braxton Bragg Comer, of Jefferson-----Governor.
Henry B. Gray, of Jefferson-----Lieutenant Governor.
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Frank N. Julian, of Colbert-----Secretary of State.
Walter D. Seed, of Tuscaloosa-----State Treasurer.
Harry C. Gunnels, of Calhoun-----Superintendent of Education.
J. A. Wilkinson, of Autauga-----
-----Commissioner of Agriculture and Industries.
Chas. Henderson, of Pike-----President Railroad Commission.
W. H. Sanders, of Mobile-----State Health Officer.
J. Craig Smith, of Dallas-----President Convict Board.
J. J. Mitchell, of Lauderdale-----Pres. State Tax Commission.
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Bibb Graves, of Montgomery-----Adjutant General.
John Purifoy, of Wilcox-----Examiner of Public Accounts.
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R. W. Manning, of Clay-----State Land Agent.
Wm. M. Byrd, of Jefferson----Commissioner State S. and O. Lands.
John H. Wallace, Jr., of Madison--State Game & Fish Commissioner.
W. H. Seymour, of Montgomery-----
-----Director Alabama Bureau of Cotton Statistics.
R. H. deHoll, of Jefferson-----Immigration Commissioner.

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Legislature meets quadrennially, sessions limited to 50 working days. Special sessions limited to 30 working days.

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and C. C. Devinney, Montgomery.

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Fourth District—Madison: Robert Elias Spragins, of Huntsville.
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- Sixteenth District—Lowndes: Evans Hinson, of Hayneville.
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 Winston—W. M. Barton, Lynn.

ERRATA.

Page 29. Word "Hunasville" in last line of caption to S. 191¹ should be "Huntsville."

Page 69. "No. 64" should be "No. 84."

Page 208. Word "Into" in first line of caption of H. 541 should be "unto."

Page 588. Word "show" in second line of caption to H. 950 should be "shown."

Page 722. In the first line from top of page the words "and fees" should be added after word "cases", and the word "the" should be added after word "and" in second line of caption.

INDEX

Laws indexed by Counties only.

BALDWIN COUNTY.

	PAGE.
County Commissioners authorized to surrender, etc., county buildings at Daphne for Normal School.....	414
Lager beer, sale of authorized at Montrose in Park Hotel.....	747
Lease of N. E. 1-4 of S. 16, T. 5, S. R. 2. E. confirmed and ratified...	885
Liquors, sale of prohibited near Foley and Magnolia Springs.....	477
Official stenographer for 13th circuit.....	598
Road and bridge contract, how let.....	570

BARBOUR COUNTY.

Act of Feb. 9, 1897, prohibiting sale of liquors near Old Mt. Zion Baptist church, amended.....	581
Branch of circuit court at Clio.....	535
Dispensary at Eufaula established.....	12
Liquors, sale, etc., of prohibited in beat 5 except by dispensary...	12

BIBB COUNTY.

Act of Feb. 28, 1887, establishing Blocton school district, amended...	346
Boundary line between Jefferson and Shelby changed.....	390
Circuit court, time of holding.....	426
Cost in criminal cases in county regulated.....	94
County commissioners, election, etc. of.....	596
Deputy solicitor, additional duties, etc. of.....	694
Misdemeanors, trial of regulated.....	489
Roads, working, etc. of.....	615
Traction engines, operation of on public roads prohibited.....	589
Violation of special prohibition law, trials, etc., regulated.....	147
West Blocton, Town of, corporate limits changed.....	42

BLOUNT COUNTY.

	PAGE.
Albritton bridge, Cullman county, to pay one-half cost of construction, etc.	290
Act of Feb. 5, 1885, constituting Blountsville separate school district repealed	491
Roads, working, etc. of	272
Tax assessor and collector, rounds of	585

BULLOCK COUNTY.

Act of Jan. 29, 1897, prohibiting sale of liquors in precinct 8, repealed -	101
Act of Feb. 23, 1899, creating Midway school district amended.....	167
Act, prohibiting sale of liquor in precinct 8, repealed.....	237
Act of Sept. 30, 1903, working, etc., of public roads, repealed.....	600
Act of Feb. 17, 1885, providing for election of county superintendent of education, repealed.....	766
Fees of sheriff for empanelling grand juries, etc.....	576
Fees of sheriff for attending habeas corpus trials.....	684
Misdemeanor, removal fees of persons charged with, payment of...	569

BUTLER COUNTY.

Act of Feb. 17, 1893, providing for elections as to stock running at large, repealed	585
Act authorizing elections establishing stock law districts, repealed...	644
County commissioners authorized to place telephones, etc., in county buildings -	579
County commissioners authorized to employ janitor for county. fix salary, etc.	901
Official stenographer for second circuit.....	809

CALHOUN COUNTY.

Act of Dec. 9, 1896, and acts amendatory, declaring powers and jurisdiction of city court of Anniston, amended.....	482
Act of Jan. 28, 1891, constituting Anniston separate school district, amended -	572

	PAGE.
Act of Mar. 12, 1907, regulating practice in circuit court, amended-----	865
Boundary line between Cleburne county changed-----	519
Boundary line between Etowah county changed-----	866
Circuit court, practice in regulated, etc.-----	487
Dispensary at Oxford, authorized-----	126
Judge of city court, election of-----	489
Oxford, town of, boundary re-arranged-----	389
Surveyors transits, purchase of by county-----	477
Tax assessor and collector, to visit voting places-----	566

CHEROKEE COUNTY.

Liquors, manufacture of in county prohibited-----	585
---	-----

CHILTON COUNTY.

Dispensary at Clanton, established-----	381
Dispensary at Clanton, closing of-----	698
Wines, regulation as to sale of at Thorsby-----	697

CHOCTAW COUNTY.

Acts of county commissioners as to warrants for constructing court house ratified, etc. -----	543
Court house fund, surplus from fine and forfeiture fund converted into -----	4
County court, additional jurisdiction conferred on-----	52
Jury commissioners, board of established-----	301

CLARKE COUNTY.

Act of Feb. 15, 1897, incorporating town of Jackson, amended-----	474
Act of Mar. 4, 1901, establishing Grove Hill school district, amended	571
Cobb, J. M., relief of-----	351

	PAGE.
Commissioners court required to set apart money for witness certificates -----	57
County Court of Clarke county, created and established-----	369
Pippin, E., relief of-----	214
Jurors, payment of-----	589
Taylor, W. J., relief of-----	351
Witness fees, amount of-----	57

CLAY COUNTY.

Act of Mar. 4, 1901, as to stock law, amended-----	293
Act of Feb. 3, 1897, establishing charter for Ashland, amended----	419
Act of Dec. 14, 1898, establishing charter for Lineville, amended----	479
Act establishing county court, sections 2, 3, 6, 10, and 11 of amended	775
Claims held by persons for work and labor done under road law for county validated, etc.-----	579
County commissioners authorized to pay annually on claims for public roads and bridges -----	600

CLEBURNE COUNTY.

Boundary line between Calhoun county changed-----	519
Boundary line between Randolph county changed-----	553
County court, abolished, and transfer of cases provided for-----	120

COFFEE COUNTY.

Act of Feb. 8th, 1901, and amendatory acts, establishing county court, repealed, and transfer of cases provided for-----	603
Act of Sept. 28, 1903, amending act of Feb. 28, 1901, establishing Elba school district, amended-----	858
Chancery court, terms of at Enterprise-----	221
Circuit court, terms of at Enterprise-----	279
County commissioners, sessions of at Enterprise-----	233
Dispensary at Brockton, authorized-----	813
Dispensary at Elba authorized-----	318
Dispensary at Enterprise authorized-----	791

Probate office established at Enterprise-----	PAGE. 243
Probate court held at Enterprise-----	243

COLBERT COUNTY.

Act of Feb. 15, 1899, establishing Bethel school district, amended-----	601
Act of Feb. 15, 1907, establishing dispensaries, amended-----	645
Act of Feb. 15, 1907, establishing dispensaries, section 9, amended-----	708
Dispensaries established at Sheffield, Tuscumbia, Leighton, and Cherokee -----	43
Liquors, sale, etc., of in precincts 9 and 12 prohibited-----	300
Liquors, sale, etc., of prohibited in county except by dispensaries in certain cities and towns-----	700
Simpson, Jas. H., relief of-----	534

CONECUH COUNTY.

Clerk circuit court, compensation of for certain services-----	642
Official stenographer second judicial circuit-----	809
Roads, working, etc., of-----	441
Sheriff, compensation of for certain services-----	642
Territory detached and added to Escambia county-----	403

COOSA COUNTY.

Circuit court, term of held at Goodwater-----	216
Circuit court, at Goodwater-----	735

COVINGTON COUNTY.

Dispensary established at Andalusia-----	742
Dispensary established at Florala-----	880
Inferior court for county, created and established-----	329
Liquors, sale, etc., of, near River Falls prohibited-----	42
Liquors, sale etc., of within two miles of churches in Sanford pro-	

hibited -----	PAGE. 635
Liquors, sale, etc., of, prohibited in beat 9 except in Florala-----	643
Punishment for turning stock into stock law district-----	715

CRENSHAW COUNTY.

Act of Feb. 19, 1903, establishing dispensary at Searight repealed--	102
Act of Mar. 4, 1903, providing for working of roads, amended-----	209
Act of Feb. 7, 1899, constituting board of jury commissioners for county repealed -----	519
Commissioners' court directed to pay for advertisement of local bills for county-----	786
Election as to sale of liquors in precincts of county-----	878
Liquors, sale of prohibited, near certain churches in Crenshaw county, Ala. -----	711
Liquors, sale etc., of prohibited within three miles of Powell school house in beat 6-----	767
Liquors, sale etc., of prohibited within four miles of certain churches and school houses -----	785
Official stenographer for second circuit-----	809

CULLMAN COUNTY.

Act of Sept. 29, 1903, making appropriations from general fund to fine and forfeiture fund, repealed-----	67
Act regulating fine and forfeiture fund and acts amendatory, re- pealed - -----	215
Circuit clerk, fine and forfeiture funds in hands of, payment pro- vided for -----	377
Payment to Blount county of one half of costs of construction of Albritton bridge -----	290
Roads, improvement, etc., of-----	662
Vacation of parts of 10th, 11th, and 12th streets in Cullman-----	695

DALE COUNTY.

Act of Dec. 6, 1900, payment of fines and forfeitures repealed-----	404
Liquors, sale, etc., of, in county prohibited-----	587

DALLAS COUNTY.

	PAGE.
Act of Sept. 18, 1903, working of roads, etc., amended.....	260
Act of Feb. 12, 1907, delinquent children act repealed as to Dallas county -	761
Central Alabama Fair Asso., exemption from taxation and licenses	345
Court stenographer, office created, duties, salary, etc.....	558
Deputy solicitor, office created, etc.....	3
Financial affairs of county regulated.....	369
Governor required to send examiner of accounts to cities operating public utilities	550
Liquors, sale etc. of, within three miles of Sisters Springs church, prohibited -	543
Liquors, sale etc., of within five miles of Baptist and Presbyterian churches at Pleasant Hill prohibited.....	759
Selma, city of, boundaries established.....	6
Selma, city of, water works commission created for, duties, etc.....	554
Selma, city of, refund of mortgage tax to.....	634

ELMORE COUNTY.

Act of Dec. 14, 1898, regulating trial of misdemeanors, repealed, and transfer of cases provided for.....	56
Act of Feb. 23, 1899, incorporating Tallassee a separate school dis- trict, amended	101
Act of Feb. 9, 1907, authorizing incorporated towns to operate dis- pensaries, amended	577
Act of Feb. 18, 1891, preventing stock from running at large, amended -	781
Dispensaries, authorized in incorporated cities and towns.....	30
Incorporated cities and towns in precinct No. 3, authorized to oper- ate dispensaries	324

ESCAMBIA COUNTY.

Act of Sept. 17, 1903, working, etc. of public roads, amended.....	567
Deputy solicitor for county, duties, fees, etc.....	692
Fine and forfeiture fund, regulated.....	563
Official stenographer for second circuit.....	809

	PAGE.
Pollard, town of, boundaries altered and rearranged.....	575
Postage, county to pay for county officers.....	696
Territory taken from Conecuh county and added to county.....	403
Witnesses, fees of	563

ETOWAH COUNTY.

Act of Feb. 27, 1901, declaring powers, etc., of city court of Gadsden, amended	99
Act of Oct. 1, 1903, amending act declaring powers, etc., of city court of Gadsden, amended	187
Act creating office of associate judge of city court of Gadsden amended, (Salary)	591
Associate judge of city court of Gadsden, office created, etc.....	191
Attalla, city of, disposition of money received from liquor licenses...	494
Boundary line between Calhoun county changed.....	866
Ex-officio fees of sheriff, judge of probate, and clerk of city court of Gadsden, increased.....	759
Liquors, sale etc., of, prohibited except in Gadsden and Attalla.....	404
Solicitor of county, salary of, etc.....	762

FAYETTE COUNTY.

County commissioners, election of, etc.....	397
Dispensary, provided for at Fayette.....	831
Liquors, election to prohibit sale of.....	249
Liquors, sale, etc., of, regulated.....	246

FRANKLIN COUNTY.

Act. of Feb. 15, 1899, establishing Bethel school district, amended...	601
Liquors, sale, etc., of in county prohibited.....	392
Roads, working, etc., of.....	650
Tax assessor and collector to visit precincts of county.....	212

GENEVA COUNTY.

	PAGE.
Dispensaries, regulation of.....	782
Roads, working, etc., of.....	891

HALE COUNTY.

Commissioners districts, county divided into, and election of commissioners provided for	751
Fine and forfeiture fund, regulated.....	492
Newberne, town of, boundaries altered and rearranged.....	493
Roads, working, etc., of.....	610
Sheriff, to procure and publish list of persons obtaining U. S. revenue license to sell liquors.....	396

HENRY COUNTY.

Act of Feb. 21, 1899, prohibiting sale of liquor near Union Hill Baptist church, repealed	299
Dispensary at Headland, abolished and closed.....	782
Liquors, sale, etc., of in county prohibited.....	791
Ownership of certain books, etc., declared to be in Houston county.....	647
Roads, working, etc., of.....	429
Roads, working, etc., of.....	824

HOUSTON COUNTY.

Act of Feb. 21, 1893, prohibiting sale, etc., of liquors, near Zada, Rama, and Union Hill churches, repealed.....	460
Board of revenue, established for county.....	860
Dispensary at Gordon, relief of.....	402
Dispensaries, one-third of net proceeds of appropriated for schools of county	292
Dispensaries, how established in county.....	297
Dispensary, authorized at Dothan.....	357
Liquors, sale, etc., of in county prohibited.....	565
Ownership of certain books, declared to be in county.....	647

JACKSON COUNTY.

	PAGE.
Bridgeport, city of, authority given to release manufacturing establishments from city taxes	681
Bridgeport, mayor and aldermen of, authorized to permit children living without corporate limits to attend school within city--	537
Roads, improvement, etc., of.....	539

JEFFERSON COUNTY.

Act incorporating Leisure Hour Club repealed.....	67
Act incorporating Jackson Club repealed.....	90
Act incorporating Oliyot Club repealed.....	102
Act incorporating Shakespeare Club, an act changing name to Alabama Club, repealed	88
Act incorporating South Side Reading Club repealed.....	488
Act incorporating Trullan Club repealed.....	491
Act of Feb. 28, 1901, establishing city court of Bessemer amended..	352
Act of Sept. 26, 1903, authorizing transfer of causes from city court of Bessemer to certain other courts, repealed.....	393
Act authorizing county commissioners to purchase claims against fine and forfeiture fund amended.....	480
Act of Mar. 3, 1903, establishing board of police commissioners for Bessemer, repealed	504
Act of Mar. 4, 1901, establishing North Birmingham school district, repealed	575
Act of Feb. 9, 1877, establishing Oxmoor school district, repealed..	680
Act of Feb. 28, 1901, establishing city court of Bessemer, amended..	690
Act of Feb. 26, 1907, regulating city court of Birmingham, etc., amended	718
Act of Sept. 26, 1903, establishing inferior courts in precincts 21 and 37 amended	867
Act establishing city court of Bessemer, section 22, amended.....	561
Additional judge for 10th judicial circuit, office created, etc.....	377
Balliffs, for city court of Birmingham, appointment, etc., of.....	628
Bessemer, city of, change of boundary lines provided for.....	753
Birmingham, city of, alteration of boundary lines of.....	902
Board of revenue, act establishing, amended as to salary of members	886
Boundary line, change of, between Bibb county.....	390

	PAGE.
Causes, transfer of to city court of Bessemer authorized.....	393
Chancellor, northwestern chancery division, salary of, etc.....	434
City court of Birmingham, No. of judges, practice, etc., regulated..	254
City court of Birmingham, salary and payment of judges of.....	401
County solicitor, salary of	586
County solicitor, election of.....	587
Criminal court, salary and payment of judges of.....	401
Elyton, town of, boundary lines altered.....	774
Fine and forfeiture fund, disposition of surplus money coming into..	480
Inferior court in precinct 45, establishment of, etc.....	872
Judge 10th judicial circuit, salary of.....	463
Juries, drawing, etc., of, in capital cases.....	238
Jurors, in cases other than capital provided for.....	97
Liquors, sale, etc., of prohibited in precinct 17.....	425
Liquors, sale, etc., of, prohibited within one and one-half miles of Bethel Methodist church in precinct 11.....	749
Miners' oil, inspection of, etc.....	347
Police court judge, salary of.....	435
Register in chancery, powers granted.....	207
Shakespeare Club, charter of repealed.....	99
Special judge of criminal court, appointment of.....	887
Twenty-sixth and Twenty-seventh streets, north, part of constituted and established as Fifth avenue.....	349
Vacation of part of Twenty-seventh street.....	468
Vacation of certain streets and alleys in the city of Birmingham	469
Vacation of certain parts of 7th and 9th streets in town of North Birmingham -	495
Vacation of 7th or 23rd street, in town of North Birmingham.....	520
Vacation of 5th and 6th streets, 3rd avenue, and an alley in East Thomas -	577
Vacation of Charles avenue, between avenues H. and I. in Birming- ham -	580
Vacation of Stollenwerck avenue.....	588
Vacation of Minnie street, Morris street, and 8th street.....	632
Vacation of certain highways in Bessemer.....	633
Vacation of alley bysecting blocks 94 and 95 and part of 15th street, in Elyton Land Company's survey.....	644
Vacation of certain highways in Smithfield.....	687
Vacation of certain parts of 1st and 2nd streets in North Birming- ham -	696
Vacation of certain highways as shown by map of property of North Birmingham Land Co.	706

Vacation of Sadler avenue and certain parts of Lucian avenue, Ella street, Telula street, Emma street, and certain alleys according to map of Owenton	787
---	-----

LAMAR COUNTY.

Act of Feb. 18, 1899, road law, repealed	592
Act of Feb. 22, 1907, prohibiting sale of liquor, amended	763
Brown's precinct No. 4, stock law, amended as to	801
Clerk circuit court allowed an assistant, salary, etc.	808
Liquors, sale of prohibited in county	165
Sulligent, town of, act of Feb. 12, 1897, incorporating, amended	435

LAWRENCE COUNTY.

Act of Feb. 15, 1899, establishing Bethel school district, amended ..	601
Sheriff to procure and publish annually list of persons, firms, and corporations procuring U. S. internal revenue license for sale of liquors	857
Stephenson, John S., relief of	752

LEE COUNTY.

Acts of county commissioners in borrowing money ratified and confirmed	64
Act of Mar. 4, 1901, increasing and regulating fine and forfeiture fund, etc., repealed	813
County authorized to borrow money	88
County detached from northeastern chancery division and transfer of cases provided for	289
County court abolished and transfer of cases provided for	289
County detached from third judicial circuit and transfer of cases provided for	290
County court of law and equity authorized to revive and enforce certain judgments, decrees, etc.	533
Road, working, etc. of	405

LIMESTONE COUNTY.

	PAGE.
Act of Sept. 9, 1903, authorizing sale of liquor at Mooresville, repealed -	211
Roads, county authorized to construct, etc.....	510

LOWNDES COUNTY.

Act incorporating town of Hayneville, repealed.....	516
Deputy solicitor, compensation of.....	553
Official stenographer, second judicial circuit.....	809
Revenue districts, county divided into.....	552
Roads, improvement of, etc.....	684

MACON COUNTY.

Act of Feb. 18, 1891, regulating trial of misdemeanors, amended....	427
Commissioners districts, county divided into, etc.....	41

MACON COUNTY.

Act of Feb. 9, 1901, providing for stock running at large, in Hazel Green and Hurricane precincts, repealed.....	436
Act of Feb. 23, 1899, regulating trial of misdemeanors, repealed and transfer of cases provided for.....	517
Act of Feb. 26, 1907, establishing law and equity court, amended...	606
Board of education for Huntsville school district created, etc....	725
Circuit court, terms of, etc.....	433
County solicitor, office created, duties, etc.....	398
Dispensary at Huntsville established.....	19
Dogs, taxation of regulated, etc.....	918
Grand juries, as to for circuit court.....	433
Jones, Cyrus, Jr., relief of.....	420
Law and equity court established.....	262
Liquors, sale of prohibited, except in dispensary at Huntsville....	29
Pool and billiard tables, operation of prohibited, except in incorporated towns	693
Roads, working, etc., of	909
Statutes and laws as to county courts, repealed.....	518

MARENGO COUNTY.

	PAGE.
Act of Sept. 26, 1903, establishing inferior court of Demopolis, amended - - - - -	428
Act of Feb. 26, 1907, road law, amended - - - - -	592
Ballow, J. T., relief of - - - - -	887
Dispensary, established at Thomaston - - - - -	104
Dispensary established at Dayton - - - - -	421
Linden, town of, boundaries of rearranged - - - - -	481
Liquors, sale of, in Faunsdale precinct prohibited except by dis- pensary - - - - -	59
Roads, working, etc., of - - - - -	69
Singleton, W. A., and B. G., relief of - - - - -	347
Webb, J. C., and Ballow, J. T., relief of - - - - -	886

MARION COUNTY.

Act of Feb. 12, 1879, criminal jurisdiction of justices of the peace (Sec. 1) repealed, and jurisdiction given - - - - -	765
Act of Feb. 8, 1877, increasing jurisdiction of justices of the peace, repealed - - - - -	781
Act of Feb. 1, 1895, abolishing county court repealed, and county court established - - - - -	856
Circuit court, time of holding in county - - - - -	65
County commissioners, authority given to pay warrant for repairs on jail - - - - -	60
County commissioners, required to advertise for bids for building bridges, etc. - - - - -	503
County Commissioners, to use an amount of money annually on pub- lic roads - - - - -	797
Heard, A. A., relief of - - - - -	467
Liquors, sale, etc., of, prohibited in county - - - - -	532
Pope, Mary A., relief of - - - - -	398
Superintendent of Roads, appointment of, payment of road tax, etc	797

MOBILE COUNTY.

Act of Feb. 23, 1899, establishing inferior court, amended - - - - -	82
Act of Feb. 21, 1889, providing fund for support of fire department, for city of Mobile, repealed - - - - -	502
Act of Feb. 24, 1887, creating office of revenue constable, amended	689

	PAGE.
Act of Mar. 2, 1907, rearranging corporate limits of city of Mobile, amended	721
Act of Dec. 7, 1896, amending act of Feb. 18, 1895, protecting fish in Deer river, East Fowl river, etc., amended	857
County solicitor, compensation of	590
Harbor, and deputy harbor masters, election, etc., of	636
Jurors, compensation of	68
Juries, drawing, etc., regulated	151
Juvenile delinquents, government, etc., of	363
Liquors, sale, etc., of, within 3 miles of Sec. 9, T. 2. N. R. 1, E. unlawful, etc.	493
Liquors, sale, etc., of prohibited within 3 miles of school house at Creola	562
Liquors, sale, etc., of prohibited within one mile of Barkersville Baptist church at Pritchard	790
Mobile, city of, corporate limits altered and extended	271
Official stenographer for 13th judicial circuit	598
Outstanding indebtedness of city of Mobile, payment of, etc.	309
Roads, working, etc., of	727
Solicitor for county, compensation of in criminal cases	164
Solicitor for county, election of	164
Tax assessor, lot book required to make	760

MONROE COUNTY.

Act of Feb. 9, 1901, working of roads, sections 4, 5, 6, and 8, repealed and section 12 amended	766
County court, additional jurisdiction conferred on	36
Roads, working of, etc.	131
Warrants, improperly issued by commissioners' court legalized, etc.	497

MONTGOMERY COUNTY.

Assistant solicitor for county, office created, etc.	103
Bailiffs, for courts, appointment of, etc.	36
Circuit court, rules of practice and procedure in	544
City court, time of holding	300
Guards for county jail	680
Fees of witnesses, sheriff and clerks in criminal cases where State fails to convict, payment of provided for	721
Fine and forfeiture fund, regulated	629
Herbert, T. T., relief of	235

	PAGE.
Janitors, for court house provided for, etc.....	66
Judge of city court, salary of, etc.....	389
Justices of peace, election of in beats in or partly within the city of Montgomery	740
Official stenographer for city court, appointment, duties, etc.....	410
Revenue districts, county divided into, etc.....	219
Tax assessor, required to make lot book.....	900

MORGAN COUNTY.

Act of Feb. 23, 1899, regulating trial of misdemeanors, amended.....	235
Act of Feb. 23, 1899, regulating trial of misdemeanors, repealed, and transfer of cases provided for.....	278
Act of Feb. 3, 1872, incorporating town of Somerville, amended.....	681
Act of Feb. 18, 1899, establishing new charter for town of Hartselle, amended	689
Act of Dec. 9, 1896, issue of garnishments, amended.....	465
Act of Dec. 13, 1900, authorizing Decatur Land Company to assess certain lands in acreage, repealed.....	690
Act of Feb. 15, 1897, regulating payment of claims against fine and forfeiture fund, repealed.....	900
County court abolished and transfer of cases, etc., provided for...	789
Crow, J. D., relief of.....	65
Inferior court for precinct No. 10, established, etc.....	819
Law and equity court, established, etc.....	193
Misdemeanor cases, transfer of from circuit court to law and equity court provided for.....	756
New Decatur school district, powers of, boards of education of, enlarged	741
Tax assessor and collector to make round together.....	591

PERRY COUNTY.

Act of Feb. 28, 1901, establishing dispensary at Marion, amended...	749
Circuit court, time of holding.....	426
County commissioners, authority given to fix ex-officio fees of sheriff	839
Declination on part of State to accept certain property for purpose of establishing an industrial school for indigent white girls...	351
Dispensary establishment of at Uniontown.....	768
Election as to sale of liquor in county.....	716

PICKENS COUNTY.

	PAGE.
Act of Dec. 13, 1900, payment of witness certificates, amended.....	500
Carrollton, city of, corporate limits extended.....	695
Roads, working, etc., of.....	455

PIKE COUNTY.

Act of Feb. 13, 1885, establishing Spring Hill school district, repealed.....	587
Dispensary, authorized at Brundidge.....	168
Dispensary, authorized at Troy.....	177
Roads, working, etc., of.....	506

RANDOLPH COUNTY.

Act of Feb. 13, 1897, regulating sale of liquor at Roanoke, repealed.....	551
Act of Dec. 13, 1900, establishing dispensary at Roanoke, repealed.....	551
Act of Feb. 8, 1901, establishing charter for Wedowee, amended.....	740
Boundary lines between Cleburne county changed.....	553

RUSSELL COUNTY.

Act, etc., of county commissioners in borrowing money ratified, etc.	583
County, authority given to borrow money.....	584

SHELBY COUNTY.

Boundary line between Bibb county, changed.....	390
State examiner, payment of salary, and expenses of, in examining books of county officers.....	650
Wilsonville, town of, boundary lines changed.....	504

ST. CLAIR COUNTY.

Act establishing dispensary at Ragland, repealed.....	569
Circuit court, times and places of holding in county.....	61
Commissioners' court, sessions of at Pell City.....	89
County court, terms of, at Pell City.....	90

	PAGE.
Election precinct No. 9, detached from southern judicial division and attached to northern judicial division of county-----	505
Pell City, dispensary authorized at-----	302
Probate court, terms of, at Pell city-----	140
Roads, working, etc., of-----	111

SUMTER COUNTY.

Act of Dec. 8, 1872, regulating trial of misdemeanors, amended----	682
County commissioners authorized to employ detectives to detect violations of prohibition laws-----	683
Horn, C. D., relief of-----	688
Liquors, sale, etc., of, prohibited in county-----	712
Roads, working, etc., of-----	137

TALLADEGA COUNTY.

Act of Dec. 4, 1900, providing road law, amended-----	108
Central Mills, police power of Sylacauga extended over-----	516
Election as to issue of bonds for public road improvement authorized-----	573
Fine and forfeiture fund, payment of claims against, regulated----	496
Official stenographer for county, office created, etc-----	226
Roads, authority to construct, etc-----	672
Sale, etc., of liquors in certain limits of city of Talladega prohibited-----	491

TALLAPOOSA COUNTY.

Act of Feb. 17th, 1899, providing for payment of fine and forfeitures repealed-----	213
Clemons, Wm. H., relief of-----	213
County commissioners authorized to fix and regulate tolls charged on bridge across river at Tallassee-----	758
Roads, working, etc., of-----	470
Roads, working, etc., of-----	803

TUSCALOOSA COUNTY.

Act of Sept. 29, 1903, creating board of public works, amended----	189
Act of Feby 15, 1899, amending act of Dec. 9, 1896, establishing Tuscaloosa county law and equity court, amended-----	498

	PAGE.
Act of Mar. 4, 1907, providing for election as to sale of liquors, amended -	799
Act of Feb. 27th, 1901, atuhorizing incorporated towns and cities to buy and sell liquor, repealed.....	840
Board of mayor and aldermen of city of Tuscaloosa authorized to contribute to maintenance of wagon yard.....	582
Fine and forfeiture fund abolished and payment of outstanding claims provided for.....	66
Incorporated towns and cities authorized to operate and establish dispensaries, and act of Feb. 27, 1901, repealed.....	840
Liquors, election as to whether sale, etc., shall be prohibited in county -	437
Roads, improvement, etc., of.....	227
Salary of judge of law and equity court, fixed, etc.....	464
Tuscaloosa, city of, boundaries enlarged and fixed.....	295
Witnesses, payment of.....	149

WALKER COUNTY.

Act of Mar. 6, 1903, working, etc., of roads, amended.....	701
Act of Mar. 5, 1901, regulating salaries of teachers in public schools outside of incorporated towns, repealed.....	801
Act. of Dec. 13, 1900, establishing new charter for town of Cordova, amended -	898
Certain claims against fine and forfeiture fund issued to sheriff and circuit clerk, ratified	467
Circuit court, equity jurisdiction conferred, and time of calling equity docket, etc.	723
Claims, issued to State witnesses from March 6, 1903, to June 9, 1905, ratified, etc.	478
Constables, bailiffs, etc., attending court, number limited.....	277
County auditor, office created, etc.....	143
County commissioners, election of, salary, etc.....	863
County treasurer, salary of fixed.....	865
County authorized to borrow money.....	397
County commissioners authorized to contract for supplying county offices with gas, etc.....	908
Hunting, etc., upon enclosed field, etc., owned by another, regulated	802
Liquors, sale, etc., of prohibited within 5 miles of Corona Methodist church at Corona	748
Official stenographer for county, office created, salary, duties, etc.	889
Tax assessor and collector, rounds of.....	908
Warrants issued to sheriff and probate judge from Mar. 6, 1903, to June 9, 1905, ratified, etc.....	476

Witnesses, in criminal cases who appear at instance of State, payment of -----	902
--	-----

WASHINGTON COUNTY.

Act of Feb. 21, 1899, regulating misdemeanor trials, amended----	7
Official stenographer for 13th judicial circuit-----	598

WILCOX COUNTY.

Act of Sept. 23, 1903, establishing dispensary at Camden, amended	538
Acts, etc., of agents of county in borrowing money, ratified and confirmed -----	627
County board of education to audit and pass upon certain accounts of district trustees -----	531
County commissioners, authority given, to purchase and operate ferries on Alabama river-----	581
County commissioners authorized to borrow money for county----	590
County solicitor, election, etc., of-----	661
Roads, working, etc., of-----	520
Warrants, issued for use and benefit of underwriters of Camden branch of L. & N. R. R., ratified, etc.-----	627

WINSTON COUNTY.

Act of Dec. 12, 1888, prohibiting sale, etc., of liquors, near Mt. Zion church, amended -----	236
Act of Feb. 7, 1885, increasing number of grand and petit jurors, repealed -----	583
Act of Dec. 10, 1886, as to grand and petit jurors, sections 2 and 3, repealed -----	699
Circuit court, equity jurisdiction conferred, etc.-----	723
Dispensary at Haleysville, authorized-----	415
Liquors, sale of, within two and one-half miles of Mt. Joy church prohibited -----	236
Southerland, T. P., relief of-----	693